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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

REVIEW OF ELECTION LAWS AND PROCESS

WEDNESDAY, 24 MAY 1989



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)  
VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)  
Breaugh, Michael J. (Oshawa NDP)  
Farnan, Michael (Cambridge NDP)  
Johnson, Jack (Wellington PC)  
Matrundola, Gino (Willowdale L)  
McClelland, Carman (Brampton North L)  
Morin, Gilles E. (Carleton East L)  
Sterling, Norman W. (Carleton PC)  
Stoner, Norah (Durham West L)  
Sullivan, Barbara (Halton Centre L)

Substitutions:

Faubert, Frank (Scarborough-Ellesmere L) for Mrs Sullivan  
Polsinelli, Claudio (Yorkview L) for Mr Morin

Clerk: Deller, Deborah

Staff:

Yeager, Lewis, Research Officer, Legislative Research Service

Witnesses:

From the Office of the Chief Election Officer:

Wells, Lorie, Chief Election Clerk and Information Officer  
Bailie, Warren R., Chief Election Officer  
Stewart, Alan, Special Adviser (Legal)



LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, 24 May 1989

The committee met at 1540 in room 151.

REVIEW OF ELECTION LAWS AND PROCESS  
(continued)

The Chairman: I call the standing committee on the Legislative Assembly to order. It has been a few weeks since we met last. We have a couple of items on the agenda today. We want to go in camera at the close of the regular proceedings, but at this point we want to discuss the Election Act.

As members will recall, we had delegations and discussions on this in March and April of this year. Maybe Mr Bailie can come up, with whoever else he is going to bring with him. I particularly want to welcome Mr Bailie and his staff back.

He has a guest with him today, Dr Ruy R. Franca, who is the Deputy Electoral Attorney General of Brazil. Welcome to Ontario. I hope you are able to gain a great deal by your discussions with Mr Bailie. I know we are very proud of the work he does and I am sure he will be able to help you a great deal.

Please come forward, Mr Bailie and your staff.

Mr Breaugh: Before you get started, Mr Chairman, could you ask somebody to turn down the ice-making equipment in this room? We are not going to play hockey in here this afternoon and we do not need to freeze the floor.

The Chairman: With Mr Bailie is Alan Stewart, who everyone knows, to his right and our left; and Lorie Wells, who comes back to us from Newfoundland after being instrumental in helping to administer the changes in Newfoundland. Mind you, she was very impartial and was there as a civil servant in assistance to the Newfoundland government and the people of Newfoundland. Welcome back, Lorie. We missed you during our proceedings earlier.

Miss Wells: I missed them, too.

The Chairman: I have asked Mr Yeager, who is the legislative researcher on this committee, to give us a rundown of some of the changes that were made. He has circulated some sheets for you that we can look at while he discusses it, after which we will have questions of Mr Bailie and Mr Yeager and proceed from there. Mr Yeager, do you want to proceed and outline some of the things we have accomplished to date and some of the areas that still need to be addressed?

Mr Yeager: The document that is in front of you is basically a summary of the presentations and briefs that have been presented to the committee to this point. The submissions and testimony are listed by the individual or organization that brought them to us. In this case, the order of presentation follows the list of submissions that has been compiled by the clerk and that dictates the order of these. Some individuals who presented no



written submission but appeared before the committee have been placed at the end.

Basically, the purpose of this is just to bring everybody up to date and recall the information that was brought to this committee by members of the public and others. It does not include the material prepared by Mr Bailie's office, since it is all available to us under separate cover and in summary form.

The first item received by the committee was from Mr Polsinelli, who provided some information regarding judgement rendered by Mr Justice Campbell in August 1987, regarding how individuals running as candidates may use party designations and party colours. He asked the committee to review this situation.

We had a written submission from J. H. Hollingshurst, whose recommendation was that the signing of rural polling stations should be clear and easily observed from both directions. He also had some comments on the placing of French-language and English-language advertisements in local newspapers.

We had a submission from Mr Cotter, who had a very detailed proposal for running elections in the future in which the election process should be treated like an ordinarily vacant position. I have included all of his specific suggestions there and they are there for those who would like to consult them more fully. It would take a long time to go through them all.

The Canadian Hispanic Congress of Ontario appeared on 11 April and recommended that training of returning officers, poll clerks, enumerators and other officials should reflect the languages of the areas they are serving and that there should be an understanding, for example, of Spanish in the areas in which Spanish is a common language. They also had similar thoughts on the posting of voters' lists and advance polls so that the advertisements are forwarded to ethnic communities to ensure a better turnout of voters from these communities.

The Toronto Christian Resource Centre had a written submission and appeared before the committee and was particularly interested in people without fixed addresses or people who are unwilling to reveal their actual addresses not being enumerated. They cited that a great number of qualified voters are caught in a housing crisis and made some specific recommendations regarding how those voters without fixed addresses might use community addresses or other methods to become voters.

The Family Coalition Party provided a written submission on 23 March. Basically, their point was that to assist those who are unable to read or comprehend English effectively, the initials of the party could be printed beside the candidate's name on the ballot. Also, enumerators should not necessarily be affiliated with a political party.

Dr Havell, from Laurentian University, department of political science, sent a written brief. These points touch mainly on how the Canadian Charter of Rights and Freedoms may affect the Election Act and she gave a number of specific points that would be of assistance to the committee.

Metro Tenants Legal Services appeared on 10 April and also submitted a written submission. Once again, their concerns related to qualified electors who, because of not having a fixed address, are presently unable to become



enumerated and therefore are unable to vote. Along with those of the Toronto Christian Resource Centre, their points were made in attempting to get community centre addresses or some other equivalent measure put in place so that these otherwise qualified voters can take part in the enumeration and the election.

The Barrier-Free Design Centre sent in a submission and appeared in the person of Anne Adams, their executive director, on 10 April. The centre made a number of recommendations regarding the definition of "disability" and that access to polls reflect a fuller range of disabilities than simply wheelchair users. Again, the centre has a number of specific recommendations relating to a wide range of disabilities and the training required by returning officers and polling officials to ensure that there are no unnecessary barriers to electors reaching the polls.

We had a submission and presentation from Gregory Vezina, who was a former candidate and had a number of points to make regarding income tax treatment of tax credits from private individuals versus businesses and how the broadcast media present the various positions of candidates. Again, there is quite a number of specific recommendations in his brief. I believe you each have a copy of the brief, and rather than run through them all here in the summary, the original probably should be consulted there.

The Otty Lake Association gave a written submission basically relating to municipal elections. Similarly, Joanne McAlpine and Wendy Reynolds had a submission, but their recommendations and comments were more related to municipal elections than provincial elections.

#### 1550

We had a presentation and a submission from Wendy Pinder, who was the former campaign manager for Ruth Grier. She reported on irregularities in the 1987 election in her riding, which had been investigated by the chief election officer. She made a number of comments basically supporting the chief election officer being given the power to remove a returning officer who fails to discharge competently his duties, and other recommendations relating to control over the returning officers and their ability to conduct the job properly.

The War Amputations of Canada gave a written submission, basically expressing full support for the changes recommended in the report of the chief election officer.

The Anishinabek Nation or the Union of Ontario Indians provided a detailed and interesting written submission, but this arrived after the week of hearings so they did not have an opportunity to make an in-person presentation. The written submission relates to their perceived view of an underrepresentation of Indian people at all levels of the mainstream political process. They presented a number of background informational discussions and recommendations to begin to remedy the situation as they see it.

The whole thrust of their submission is that their first concern is the development of self-government for Indians, but that being the case, they would like to engage in a process by which they could take part more effectively in the conventional political system. They cite examples from New Zealand and other places where aboriginals have been brought into the system with varying degrees of success. Basically, they are recommending that this standing committee undertake an examination of this issue, a beginning in this in consultation with various Indian peoples.

Two francophone organizations appeared before the committee, but did not leave written briefs. The first is the francophone multicultural association of Ontario. Basically, they were interested in the government of Ontario amending the law of 1986 with regard to French services so that they reflect the multicultural reality of the francophones of Ontario.

The other group that appeared was the French Canadian association of Ontario. They noted in the chief election officer's report a mention of a lack of resources to implement the French Language Services Act, 1986, and were basically interested in whether human or material resources were lacking, and encouraging that these resources be provided to ensure that the intent of the act is implemented.

The final appearance was by Terry Goodwin, who appeared but did not give us a written submission. He basically appeared as a local ratepayer and was encouraging a move towards one voters' list, at least for provincial and municipal elections, to make future enumerations simpler and more effective.

That summarizes the basic briefs.

The Chairman: Mr Bailie, do you want to make any comments, and then go right into the two or three areas we discussed last time where changes should be made and the recommendations you are making?

Mr Bailie: I think that very accurately reflects my understanding of the submissions made by the public and the discussions following.

We were asked to give some thought in the interim to how we might organize a vote for the homeless. We have given a lot of thought to this, but we are not certain that we have the solution.

As mentioned earlier, we do not have too great a difficulty arranging for truly homeless people to vote. We could approach it by having them go to the returning office at the time of revision, apply to be allowed to vote under special circumstances rules—we could describe it in different ways, but let's just for this time say special circumstances rules—go to the other side of the returning officer's office, where there would be a poll, and vote. A certificate could be issued for that person to vote there and it would be surrendered, and there would be a register of these people who applied under these special circumstances. They would have then accomplished registering to vote and voting in one visit to the returning office. We think that would be preferable from the point of view of really protecting the security of the system.

As was mentioned earlier, in large metropolitan areas we could also consider these community centres as places of revision, where we could accomplish the same thing. We could have a revising officer there, an advanced poll officer there, on the advance poll days. We already have three, and there was discussion about us having a fourth one. So there would be four days at which we could have advance poll voting and revision at those locations large enough to support that type of organization.

So there are the two ways. The concern we have is that we would want this to apply specifically to people who do not have a home. If you recall, the people who made submissions wanted to include other categories of people: people who were living in homes where the landlord was trying to keep that fact quiet.



We have some concerns about that, because of that person being able at some time in our process to identify themselves by bringing their mail and saying: "Look, there's where I live. I get my mail there. I want to register," and then perhaps having been registered as a "homeless" person at this special circumstances poll as well. We would have difficulty protecting the system, other than that after the election we would have to peruse very carefully the list of voters to see if someone who was registered under the special circumstances provision also voted at some other poll.

But because of the fact that a person from quite some distance away could apply at a special circumstances poll at the other side of the city, let's say, we would have trouble trying to really match up these voting records. So we have some concern about that.

I do not see the truly homeless as a problem. We could have them come in, they could take an affidavit, just as we had proposed for people who are left off the list, receive a certificate, go across the room in the returning office and vote.

I would want to have a chance to go over any final wording with my assistants here, but something like that I think could work. That is our statement.

The Chairman: I guess what you are saying is that in principle you support it but you want to minimize the abuses of the system.

Mr Bailie: The possibility of abuse, exactly.

Mr Breaugh: I would suggest that both of the proposals that have been made are workable. Frankly, I do not share a lot of your concerns about the security of the system.

I am reminded that for me personally, the opportunity to vote in a provincial, federal or municipal election is there pretty constantly in several spots, and if I choose to I could probably vote early and often, as the old saying goes, simply by being present when an enumerator came to a friend's house if I were there, having another residence in another place, being a university student, or making certain declarations that I will be away on that day.

The opportunity to abuse the system is always there. I have no reason to believe that a homeless person would abuse the system any more than any of these other categories would. I appreciate the concern and I think that is a real one, but I have to balance that against what I perceive to be something that really is wrong.

I do not believe we ever set out to say, "Just because you do not have a house or a permanent residence you are disenfranchised." I do not think that was anybody's intention at any level. It has always struck me as being really wrong that that is the basis on which a person is denied the vote, that they do not have a residence.

I am perplexed a little as to just how far we go with establishing that you are a Canadian citizen and that you are entitled to vote. I have no evidence at all that this is abused a lot. I would be interested in what Mr Bailie has to say, because, for example, I know that in my own community repeatedly there are people who are put on the voters' list because they are in the right place at the right time. They are in somebody's house when an

enumerator calls, and the enumerator at my house does not come in and conduct a search, does not ask to see documents or passports, or identification of any kind; he asks me who lives there and if they are eligible to vote. Being the reputable person I am, I tell him the truth.

But if I had wanted to, when my daughter was 17 I could have said: "She's 18." I do not think they ever would have asked for proof or identification or anything. The opportunity to pick that up at the polling station later is there, but I have been in polling stations a lot and I do not ever remember seeing any scrutineer for any candidate say: "Show me proof that you are a Canadian citizen. Show me your identification card." Most of the time, it is some very nice person having a pleasant day away from home, sitting around a school gymnasium saying: "Hi, how are you? Isn't a nice day? Who are you?" The person who comes in says: "I'm Joe Blow. I live on Eastlawn Street." There is a name that is pretty close to that on the voter's list and he votes.

So we are a little relaxed about that and I think with some reason, because we have no real indication, at least I do not, that people abuse the system a lot. I would frankly take both of your proposals and say: "There are reasonable ways to proceed. Let's try them and see whether we encounter major difficulties."

It is rumoured that some political party might go around and exploit the homeless: fill buses with homeless people and transport them to polling stations. That may happen—

Mr Faubert: Only in the Maritimes.

Mr Breaugh: Mr Faubert, stop the saliva from coming down your cheeks.

I really do not think so. I do not quite share the concerns you have about the security of the system; I think there are enough checks and balances there. I think that in some measure the two proposals you have brought forward today go to resolving the problem. I do not know if we can do very much about somebody who lives in an illegal apartment and is so concerned about it that he will not declare himself to anybody. I do not think there is anything we can do for those people.

Mr Bailie: We really share the same view as Mr Breaugh that the basic protection we have in the election system is the honesty of the people. However, there is one additional element. If someone is enumerated at an address—say Mr Breaugh; of course Mr Breaugh would not—and were to need that extra vote and added a 17-year-old daughter, the list is perused by all three or four candidates' offices. Between the four offices, someone, when he is canvassing, might say, "Well, listen, I know that young lady is not 18." She could be challenged at the revision or she could be challenged at the poll, you see. So there is some protection there.

Now, I do not think the public or the parties peruse the list as carefully as we understood they did in earlier days. So I am not saying that in every case that would happen, but that protection is available to the political parties; it is a responsibility, in fact, to peruse the list and advise us if there are names on there that should not be.

Mr Breaugh is right that our enumerators, because of the short amount of time we have to get the enumerators' names from the parties, get them appointed, have them trained and go out and do their duty of collecting the



names, are required by the act to accept the statement at the door. They cannot say: "Well, I don't know; that accent sounds pretty Irish to me. Are you sure you're a Canadian citizen?" and then send the person upstairs to find his immigration papers or something. He might say: "Well, I'm pretty sure they're in this trunk. No, they're not in there. Well, just a minute; I'll go up to the attic." In the meantime, the enumerator would not get that poll done. So the enumerators are required to accept the statement from the responsible person in the home that the statement he has made is true. The provision, then, is in the act for that to be challenged later at revision or at the polls. That is how the system should work.

The Chairman: Holding up canvassers is usually done by the opposition parties.

Mr Breaugh: Boy, this is a different line for you.

The Chairman: But not holding up enumerators.

Mr Faubert: I am going to have to leave for a couple of minutes—I have a date with television—but the issue I wanted to raise was not specifically the vote, although I agree with Mr Breaugh. If it is possible and we set that as an objective, we would look at how that can be done. But I am also familiar with other jurisdictions where the floating vote is a major concern of those jurisdictions.

I want to raise with Mr Bailie the issue of the problem of representation by Indian peoples. It seems to me that while the nation that came before us, Anishinabek Nation, asked for representation of Indian peoples in the mainstream, I just wonder whether the whole, fundamental issue of assimilated rights or special rights or self-government was ever established.

This is something new they are asking, because I have had some discussion with many aboriginal groups and some of them are not asking for this. They are not asking for rights within the mainstream. They are asking for rights of their own and rights to self-government. I just wonder whether that was addressed and whether you have ever looked at this. Do you intend to look beyond the recommendations here in other jurisdictions?

Mr Bailie: I was a little surprised at that proposal as well. I have taken a look at it in several jurisdictions. I know when I represented Canada at the elections in Zimbabwe, there was a special provision for white people to have a certain number of seats in the House. At meetings in Nova Scotia that I and Miss Wells attended, there was a representative from New Zealand, where they have special rights for the Maori people, a certain number of seats. There has been talk about it in other jurisdictions, and I am sure there are some, say, on the Indian subcontinent.

However, our experience with the Indian groups usually is that they will not even let us, say, in the Cornwall area, go over and enumerate the Indians on that very large island. They say: "Look, we don't want to have anything to do with your election or the American election. We are the ones who rightfully own this country, and if we participate in your elections it might give the impression that we have accepted your long visit here as being a fait accompli." So we cannot even get the list.

What we have done in the past is have our returning officer go to the Indian council office and get the list from there and put their names on the next poll so that if any of them wanted to vote, they could at least vote. But

the federal government made a change a few years ago and we cannot do that so easily now, because the Indian agent is usually an Indian person from that band, so it is not quite as easy to do that.

Yet there are bands, say, in the north of York county, that participate. We have them act as deputy returning officers, poll clerks and enumerators. There is no problem at all; especially in the north that is the case. But in some bands, they just do not participate at all.

We try to do what we can to make sure that our responsibilities under the act to come up with a list of all the eligible voters—According to my understanding, they are included. We try to get them on the list, but there is a point where the safety of the enumerators becomes the more important consideration and we do not push it past that point.

Mr Faubert: Have you held discussions with federal returning officers related to this issue about native voting rights, the enumeration problems; the whole issue itself? Has it ever been resolved on a federal basis?

Mr. Bailie: No, it has not.

Mr Faubert: I do not think it has, at least I have never seen it. It seems to be different from band to band or nation to nation.

Mr. Bailie: We keep in pretty close touch with them, and some of our returning officers handle provincial and federal electoral duties. We keep in constant touch with them and they are experiencing somewhat the same difficulties, the last I heard.

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The Chairman: Do you want to proceed with some of the other recommendations, Mr. Bailie? I gather that with the one we have just discussed, you are going to go back and draft some. Or you have a draft?

Mr Bailie: Yes, we have a draft here, but it is only to be considered a preliminary draft, because we have looked it over just recently and have some fine-tuning we would like to do. But we have given some thought to it, based on what we understood the committee was interested in, and we can pass this out.

The Chairman: Maybe you should pass it out. We can deal with that now and then deal with the others subsequently.

Mr Bailie: You can see this here. We would like to have this considered just a preliminary draft, because we do feel we have some additional comments we would like to have included in it, and we will submit it at the next meeting.

Following the discussion on this, we have a draft on the political affiliation on the ballot, which is a much more straightforward subject.

The Chairman: While the page, Jamie Smith, circulates this, do you want to start and just go through it?

Mr Bailie: Yes. I am going to ask Alan Stewart to read this and we will comment once he is finished.



Mr Stewart: Perhaps rather than read it, unless there is any great demand for that, I will sort of highlight it, indicate the approach of the document. The first point made is, I think, a critical one if the final solution to this problem is going to fit together, and it is just to emphasize that it is necessary to have answers, if the homeless are to vote, to both the legal problems of making sure their entitlement is in the act and the practical problems of, for example: Are they added to the list during revision? Do people go to the community centres to find them? Is that considered a residence? etc.

There are six options for dealing with the homeless that are identified in here as possibilities. Option 1 is physical residence; that is, you would require each homeless person to be on the list at a residence, the place where he lives. In the case of a person who sleeps in the same place every night—it might be in a park; that is the stereotypical example—that is fine. You are listed on the list as being a resident of a park. In the United States, the Washington plan is the name for this option in dealing with the homeless, based upon that approach.

It becomes more difficult if you are dealing with a person who does not have a regular place in which he sleeps or returns. But taken to its extreme, this approach would require every homeless elector to identify that one place where he is, I guess, most regularly. This is also the approach now favoured by the chief electoral officer of Canada.

The second approach, option 2, would have homeless people listed as residing at community centres, the approach suggested by Mr Shapcott and other members at the hearings. That is known as the Philadelphia plan in the United States. It has been recognized as an option for dealing with the homeless in some places there. At the top of page 3 you will see wording that could be added to the rules of residence to effect this. It is more or less a preliminary suggestion. It says, "A place that is a hostel, shelter, community centre, dropin centre, or similar charitable or semicharitable institution where a person having no fixed address stores his belongings, receives his mail, or regularly takes his meals shall be deemed to be his residence."

Option 3, last fixed address, was mentioned by a member during the committee hearings. It could be effected quite easily by adding a rule of residence saying, "No person while he remains in Ontario shall be deemed to have lost his residence until he has acquired another." That is, if you have had at some time a fixed municipal address, you continue to retain that until you establish another one.

There is a problem. This approach could lead to some absurdities; for example, a person from Bruce county who moves to Toronto and becomes homeless and his last fixed address is in Bruce country. In an election you would, strictly speaking, be asking him to make his way back there, get on the list there and vote there, even though he may no longer have any practical ties there.

Option 4, on page 4, is mailing address. It is set out as an option. It has the advantage that you would have at least some theoretical means to contact the person and get information to him.

Option 5, I think, is an interesting one. I call it the omnibus solution. It would in essence allow for the use of any of the four previous options, depending on which of them best fits the individual facts of the case of the particular homeless person.

If he sleeps in the park all the time, then that might be his residence. If he has regular dealings with the community centre and is known there, stores his belongings there and takes his meals there, that might be his residence. It is a tricky sort of question to put into a rule of residence, but on the first half of page 5, you will see an attempt to do that.

It says, "The residence of a person having no fixed address shall be determined by reference to all of the facts of the case, including: (1) the existence of any places which he regularly occupies for the purpose of sleeping; (2) the places at which he stores his belongings, receives his mail or takes his meals, or to which he returns regularly for any purpose; and (3) his last fixed address."

The option has the advantage of being very flexible. On the other hand, it may be too complex to be worth it. It may provide so many possibilities that it is difficult to administer.

The last option is status quo, keeping the situation as it exists. I hope this outlines some of the possibilities the committee might want to consider.

Mr Campbell: Just for clarification on option 5: You are saying, and I think I heard you correctly, that it would be whichever rule would apply to the individual, option 1, 2 or 3, on page 5.

Mr Stewart: On page 5?

Mr Campbell: This clarification for the homeless is sort of "one of the above or all of the above" for qualifying, for you to vote in the polling subdivision you are registered in. That polling subdivision could be the community centre and you may occupy a park 15 blocks away or, let's say, a couple of blocks away, which is in another polling subdivision. What you are saying is that it would be in the polling subdivision, let's say, of the community centre in that case.

Mr Stewart: In option 5 in particular?

Mr Campbell: Yes. Using all of the other options as the omnibus option.

Mr Stewart: Right. The returning officer would have to determine which of the possibilities best expresses that elector's ties to the community, in a way that can be checked if possible or that maximizes the ability to scrutinize that elector's qualifications.

Mr Campbell: Okay.

Mr Stewart: You are right. Perhaps there should be some priority expressed among these rules in cases where two or more might apply.

Mr Campbell: Let's turn it around. If one of them allowed the qualification to exist and the supervisory officer, whoever that person may be, determines that there is enough evidence to say those persons are who they say they are, I am not asking for more to be built in.

I am asking for: If someone meets at least one of the criteria—and I think that is the way you designed it; that is what you are really clarifying—the one that best fits the individual would then determine his or



her eligibility and that his polling station may be the community centre. Is that the determining factor?

Mr Stewart: Yes.

Mr Campbell: Thank you.

The Chairman: Is there any particular approach you want, Mr Bailie?

Mr Bailie: As far as we are concerned, Mr Chairman, we have some concerns about each and every one of them. I guess what we want the committee to decide is which one it feels is most appropriate, because the suggestion did come from the committee that we look into ways in which the homeless people could vote. There just does not seem to be a clear-cut system we can recommend. We have some concerns about each one and we are at that stage where we would like to know.

The Chairman: Clear-cut, no-fault options.

1620

Mr McClelland: Mr Bailie or whoever would care to respond, I am somewhat intrigued by option 5, the omnibus solution. You identified clearly the complexity of determining how you would deal with the application of that. Who would you suggest would deal with that? I would be interested in your comments in turning your minds to the mechanics by which you would begin to consider effecting option 5. I find it intriguing and fascinating. It is one of three that I would like to look at more closely.

Mr Bailie: The way I would see that operating is if we take the example that Mr Stewart mentioned earlier, that a man had for many years maintained an address way up north in, say, the Lake Nipigon area and he is now down here. He would be at a great disadvantage if he had to use the approach of the last fixed address.

He would point that out to the returning officer. In reasonableness, the returning officer would say: "Obviously, that wouldn't be fair to you. Just briefly describe your situation. Where do you get your mail, sir?" These homeless people do have to get their mail; a lot of them do receive mail.

That person might say, "I get it at the such-and-such community centre." Then the returning officer would say, "Then I feel that if you go over there for your mail, that's where you should be listed and that's where I would judge you should be on the list for that particular institution and location."

That would just be determined like that, unless the person said, "Well, I don't really like that community centre," and if he had a good reason, it could perhaps be some other physical location where that person stayed on a very regular basis so that if the parties wanted to challenge that person's location, then they could.

But this way he is tied to a certain location so that we can identify a poll. That is the way I think that a returning officer would do it. We are not going to have a great number of these applications, you see. So I do not think it is going to be that arduous a job for the returning officer.

Mr McClelland: One comment, I suppose, and a follow-up question or perhaps a rhetorical question: To the extent that option 1 provides or states

the advantage as you have set it out, that it most closely parallels the nonhomeless voter, that appeals to me philosophically. I think it is ideal to have as little distinction as possible among all citizens of our province, regardless of their situation in life at any given time.

Bearing that in mind with the option of number 5—your omnibus solution with some weighting, if you will, to provide to the extent possible and where practical consistency with the greatest number of people—I say again that option 5 appeals to me. I think that with that proviso, there could be a weighting or an emphasis, to the extent possible, to treat all people, as I said earlier, regardless of their particular situation, as closely as is humanly possible. There will always be some disparity and some differences. That is a function of human nature.

I have not really wrestled with this to the extent that I think it deserves, but my initial inclination, for what it is worth, as I stated, is towards option 1, with some weighting.

Mr J. M. Johnson: In my opinion, option 5 best reflects the views of the members in trying to bring about an opportunity for these people to be able to vote. You have built in a couple of safeguards in the three subsections. Is it asking too much to add a fourth subsection?

I am not sure. Maybe it would cause more problems than pose any advantage. But could there be something to the effect that someone in that voting district could vouch for the individual? They do not have a fixed address, they do not have a mailing address, they cannot go back to Bruce, all these factors, but surely someone who has been in that area for any period of time would have someone else who would say, "Yes indeed, he has been here."

Mr Bailie: What you suggest sounds reasonable, but it would then be putting a stricture on this particular group of voters which is not required by any other group. I would probably feel a little more at ease if we had a system like that in a strictly administrative sense. But I think my feeling is that it is not fair that these people must have someone vouch for them when, if you remember what we have already described as the way enumeration is done, we accept the word of these other people. It has not been shown yet that these people are not as trustworthy, generally speaking.

Mr J. M. Johnson: Yes, I do understand that it is an added problem. It certainly would not be a concern for most candidates in the rural part of the province, but I do feel that we have a lot of ridings in downtown Toronto where they are close together. If you walk a block or two, you could vote in a different area. Maybe 50 or 100 individuals could be persuaded to go to one polling place, whereas another could affect the outcome of one or two ridings. As I say, it will be a very serious concern to those candidates. In an element of fairness, I think we have to make sure that we do not have something that is going to create another problem trying to solve one.

Mr Bailie: I think that is a good point and I think we should be developing this. We want to get the feeling of the committee and we will come back with some additional thoughts on it at a subsequent meeting, if that is agreeable.

Mr Breaugh: I think the only option that does what we are talking about here is option 5. If there is any clarification needed, I think it may be some wording to the effect that it will be the local returning officer who makes the judgement call.



I am a little concerned that we do not draft something that, for example, applies very clearly to the problem of the homeless in downtown Toronto, where a group home or a hostel or something like that—there are a number of them, so saying that a community centre is the way to go resolves the problem for the homeless in downtown Toronto but does not do anything for them in some other part of the province where there are no such things as community centres.

I do not know how you resolve this one but I am mindful that by having places designated like that, there are likely to be 75 to 100 voters listed out of one of these community centres. There are a lot of people in this assembly who win or lose by less than 100 votes. There are a lot of people who win or lose by 10 or 15 votes. So I do not want to be too cavalier about this. I am going to recognize that somebody has to make the judgement call about how legit all of this is.

I do not want to deprive anyone of the right to vote, but I do believe, like anybody else, some sorting of the process and some verification is necessary. It seems to me that may not be a very pleasant task, but someone has to officiate that. It seems to me the local returning officer is the person.

I would like to see some wording in there that allows the chief electoral officer to have his say in there, which I assume you would have anyway. I would assume that if a local returning officer said, "Well, yes, here are 200 voters and I'm going to put them on the list here in this riding," and a complaint was raised by one of the political parties, you would feel that you have the legal power necessary to intervene or at least hear the appeal or understand what the problem is.

Maybe that goes back to the point Miss Pinder raised when she was here that if you have a matter raised before you and, in your opinion, the evidence gathered indicated that some local returning officer was not doing his or her job correctly, you have the legal power to do something about that.

1630

I am a little mindful that what Jack has said here is right. I happen to have a number of places in my riding: hostels, community centres, places where we have made accommodation available on a temporary basis to people. In the riding adjacent to mine, on either side, no such accommodation exists or if it does, it exists in a different form.

I think we have to be aware that some judgement has to be exercised here but I still would take the primary position that people should not be deprived of their right to vote because they also have not got a roof over their head at the moment. I would suggest that option 5 as outlined in here is what is required. I think that you might want to work on the wording a bit, but that is the general idea.

The Chairman: Thank you. Mr Bailie, do you have any comments?

Mr Bailie: No, other than to say I agree that we are going to have to be careful how we administer this and we will try to bring some fine-tuning into it. One of the things I would add is that we would, in the actual procedure, have a system that has a list of the people added at revision made available daily to the candidates in the electoral district so that they could monitor these situations as well.

The Chairman: Help minimize the abuses?

Mr Bailie: Right.

The Chairman: Mr Bailie, you need to go back and revise this, put it in written form as far as legislation is concerned and bring it back to this committee. Let's decide at the end of the meeting when that might be depending on the amount of work that is required. Do you want to proceed with the second item, which I believe is listing the political party on the ballot?

Mr Bailie: We attempted to get copies of the ballots from our other jurisdictions—

The Chairman: I have been looking for extra copies for each of my elections but—

Mr Bailie: I hope you are not going to get a copy of that one where they spelled your name wrong or put it in the wrong order.

What happens is they send us samples but they do not send us samples of actual ballots, but rather of their sample ballot. We have one here that we could show you for Quebec. It has a political affiliation on, and I am going to pass copies around because it is the one that is probably closest to what we would have. The difficulty with it is, of course, in Quebec they do not have to worry about bilingualism. As you will see, the ballot is entirely in French.

I am now going to pass out the federal one. It indicates the political affiliation but just in that generic term: political affiliation in English, followed by the same term in French. I would think that because they have had the experience with a bilingual ballot, you would want to follow the style of the federal one where it appears in both English and French and a candidate has the option to have his name listed as an independent or, as you see in the case of the third candidate from the top, it is just left blank rather than having the word "independent" listed under his name.

Mr Campbell: As I recall, in one election they voted in federally, there was an independent—I think it was an independent Progressive Conservative, if I recall correctly—and those pro forma ballots do not really tell me that that is the way it would be allowed. If, for example, somebody lost a nomination for whatever political party and was an independent Conservative or New Democrat or Liberal, would it appear that way on the ballot or would he appear as an independent?

Mr Bailie: I am going to ask Miss Wells to respond to that question because we have the good fortune that she worked in the federal office during one of the elections and actually had the title of registrar of political parties and has a great deal to do with these particular matters.

Miss Wells: The federal election expenses legislation, which covered registration of political parties, was passed in I think it was 1974. Since that time there has not been an independent or whatever on the ballot. It has been this style of the ballot.

Mr Campbell: Independent or blank?

Miss Wells: Independent or plain, no affiliation.

Mr Campbell: So the only people that could carry the party would be



the duly nominated candidates and everybody else would be an independent without any other comment, if we were to follow the federal legislation or use the federal legislation as ours.

Miss Wells: They could choose to be an independent or have no affiliation. That is the "dot-dot-dot" term used in the federal legislation as no affiliation. What we have been doing on our notice of grant of poll, which is what we post up in the polls, is just showing that as blank: independent or blank. The draft that Mr Stewart has prepared gives the option of having independent or nothing there depending on what the candidate files at the time of nomination.

The Chairman: Can I get clarification? What you are saying is that you could be a Liberal, a Conservative, a New Democrat and you can be an independent, but you cannot be an independent Liberal or an independent PC or an independent New Democrat.

Miss Wells: That is correct.

Mr Campbell: Can I continue, Mr Chairman?

The Chairman: Yes.

Mr Campbell: The rules would clearly, I guess, state that the duly nominated, by whatever process, candidate for each party would be the only one being able, in any way shape or form, to be identified with that party.

Miss Wells: Yes, there are various ways you can assure yourself as to who is the legitimate candidate or the endorsed candidate of the party. Last summer, I worked in the Nova Scotia election office—

Mr Campbell: You get around, don't you?

Miss Wells: —and there the political affiliation is on the ballot and at the time of filing a nomination, each candidate must file a letter from the leader of the party stating that he is the candidate. It is held somewhat differently federally. At the time the election is called, the chief electoral officer sends a letter to the leaders of the parties reminding them that they have to sign letters or instruments endorsing candidates or they can have a designate do so.

But there is a time limit when they must file the name of their designate with the chief electoral officer. Then the returning officers are notified that for, let's say the province of Alberta, they can accept a nomination paper where the candidate is endorsed by Sterling Campbell, for example, on behalf of whoever needed it.

Mr Campbell: You will recall, during the last federal election, that there was some dispute by one of the political parties federally as to who was a nominated candidate. The leader of that party refused to sign one nomination or whatever form. That meant that that person was not an official candidate. I have no problem with that process; it is just what the final result is. You have assured me that it would be independent without any other affiliation or blank.

Miss Wells: That is the legislation that was passed.

Mr Campbell: If that is what we adopt. Thank you.

Mr Polsinelli: Mr Bailie, I notice that you have certain proposals before us in terms of your recommendation. I have no qualms about your recommendation in terms of amending the ballots, but I would like to discuss your proposed amendment to section 27.

Your amended subsection 9a requires that the leader of the party endorse the nomination papers of the nominated candidate. Conceivably, this could lead to the situation we had for Sinclair Stevens up in York Centre, where the leader of the party, Brian Mulroney, failed to endorse his nomination papers even though he was a nominated candidate.

1640

Mr Bailie: Yes, I am familiar with that nomination. How this would be handled, I gather from what Miss Wells said from her experience in Ottawa, is that the leader of each party would be reminded by my office—this is each party registered under the Election Finances Act because I am a commissioner under that act—and each party that is registered at the time of the election would have the right to have the political affiliation of its candidates. We could ask them for a complete list of the candidates and advise our returning officers, or this committee could recommend to the House that every nomination must be accompanied by a letter from the leader.

I think that would be a little difficult in a province as dispersed as this from north, south, east and west. It would put certain candidates in outlying areas at a disadvantage if they had to have a letter from their leader transmitted to them and then attached before the nomination could be presented.

It would seem to me that by my office's getting in touch with each party it would be understood that the leader or his designate would then send us a list of the nominated candidates who have the official approval of the party.

Mr Polsinelli: Mr Bailie, the official approval of the party, according to my understanding, comes at a time when the local riding association has a nominating convention.

Mr Campbell: Does it depend on the party?

Mr Polsinelli: I am only familiar with our requirements.

Mr Campbell: It depends on the party.

Mr Polsinelli: If it varies with the other parties, I am not familiar with that but with our party I understand that the local riding association at its nominating convention would choose who the official representative of that party is for that particular riding. What this recommendation seems to do is take it one step further and effectively gives, not the president of the party but rather the caucus leader of the party, a veto as to whether or not that locally elected individual should or should not be the official representative. I have some concerns about that at least as to how it applies within our party structure.

Mr Breaugh: Are future plans being announced?

Mr Polsinelli: No, quite to the contrary.

Mr McClelland: He is announcing his leadership bid tomorrow.



Mr Polsinelli: Quite to the contrary, I do not want to create a situation where my leader may not want to sign my particular nomination. You are more familiar with how it operates with the other parties. Quite frankly, I am not, but I would not like to create a situation where the decision of a local riding association can be overturned by the leader of the party who is elected in a different way from the way the party element of the political party is elected, quite frankly.

I wonder if you can offer some suggestions with respect to that.

Mr Bailie: I have some difficulty with this question. Part of it is that if you study that section on page 7—

Mr Polsinelli: I do not have your report.

Mr Bailie: Okay, if you study this, you will find that the chief election officer is not recommending political affiliation on the ballot, but I have a commitment because several members of the House, between the last election and the time of preparing this report, brought to my attention that they were concerned that political affiliation was not on there. There was quite a bit of editorial comment in the newspapers. I had letters from the public, so as your servant I could not fail to include this in the matters that I thought you might want to look at. You will notice the recommendation says, "Consideration should be given to amending section 34," to place it on there.

Mr Polsinelli: I agree with the recommendation that political affiliation should be placed on the ballot. I am sure you are familiar with the circumstances in my case. The only thing that I am questioning, basically, is the wording of this amendment. Quite frankly, I would prefer an amendment that indicates that where a candidate has met the qualifications required by the political party to be the official representative of that party, that candidate is entitled to have his political affiliation on the ballot—something along that line, perhaps.

Mr Bailie: What one might have to have, in order to consider the concerns of Mr Polsinelli, is a letter from the president of the party saying that the party recognizes specified nomination meetings that took place. That would be the only other way we could do it, because we need some way of knowing that this nomination meeting, which we did not attend, was the bona fide one.

Mr Polsinelli: There are a number of options that could be considered. One of them is a letter from the president of the party; another one could be a letter from the president of the riding association; another one could be an affidavit signed by the candidate that he has fulfilled the qualifications required by his party to be the official candidate. But what I would like to eliminate from your proposed amendment is the discretion that this gives another individual to veto that particular nomination.

Mr Campbell: I think we agree on the process; it is the getting to that final step. Is it not the argument within the party structure to design your constitution to build in those safeguards? It is not Mr Bailie's job. Mr Bailie's job is to accept the bona fide candidate. The process is a party process leading up to that, or an independent in that case.

Where a party is registered, I would think we might say that the letter had to be from the leader of the party, or interim leader or whatever; however

you wanted to structure that part of it. But that may be serving notice to the parties that they have to figure out their own way of dealing with it, because they do it slightly differently in each case, to notify who the candidate really is.

I agree with you about the local aspect, but I think somebody has to make a decision within the party at some point. The constitution would have to be amended to provide for the safeguards you are looking for, not the political process.

Mr Polsinelli: No, I think the process is reversed, because our constitution presently does not give the leader of the party a veto with respect to individual candidacy. But if the Election Act were amended, effectively the Election Act would, by law, amend our constitution by giving the leader of our party a veto.

I think your quite valid point is that Mr Bailie's job is to put on the ballot the political affiliation of the official candidates, but it is not his job to determine who the official candidates are. Neither is it our job to make an amendment to the Election Act and give a veto power to the leader of the party without the party having gone through the whole constitutional amendment procedure.

My suggestion simply is that maybe we should look at this provision again and try to accomplish your goal without giving the leaders of the party more powers than they already have, and there are quite a few.

I think Mr Breaugh had some comments with respect to this item, and I have some further comments on this.

The Chairman: There are some other people who probably want to comment.

Mr Polsinelli: I have one other point, then, that I would like to make, if I could.

The Chairman: Do you want to make that after we finish this?

Mr Polsinelli: It has to do with subsection 27(9c), not with (9a), so I am not sure whether—

The Chairman: Let us deal with subsection 27(9a) first.

Mr Polsinelli: Okay.

The Chairman: Mr Johnson, you are on next. Were you going to deal with subsection 27(9a)?

Mr J. M. Johnson: Yes. First of all, I really do not think it is fair that Liberal members should try to put the chief electoral officer in the position of having to resolve the disputes between the president and leaders.

The Chairman: We have been doing it for so long for the Conservatives. Why not—

Mr Campbell: That is why I mentioned "interim leader."

The Chairman: That may be your case, whatever the long and the short of it is, Mr Johnson.



1650

Mr J. M. Johnson: Did Mr Bailie indicate to Mr Campbell that an individual candidate could not belong to a party other than a registered party or an independent; for example, Pat Reid could not be a Liberal-Labour candidate?

Mr Bailie: That is a good point. As it is presently envisaged, what we are proposing here for your consideration is that the only political affiliation that would appear on the ballot is the name of one of the registered parties, registered under the Election Finances Act, and only if we had some clear indication that this man or woman was the official candidate of that party. So we would have had to really deal with that interesting little Liberal-Labour affiliation there in Rainy River. But the Liberal Party could have registered both names.

Mr J. M. Johnson: He could not form his own party.

Mr Bailie: He could, but unless it is a registered party, we are not going to put it on the ballot.

Mr J. M. Johnson: Okay. The second question then is, at the present time in Ottawa, does subsection 9a carry? Is it in force now that a candidate is either a member of a political affiliation shown on his ballot or an independent? Do they have the option of leaving the party label off?

Mr Bailie: Yes, under our nominations, because officially speaking we do not recognize political parties. If you read the Election Act, you will notice it does not officially recognize parties. We ask them to indicate on their nomination paper their political affiliations. Then for the advice of voters, to assist them in the poll, we have added this information on the grant of poll notice that usually goes on the wall right near the voting compartment.

If people do need assistance, the deputy returning officer can direct them to this form called "Direction to Voters." It lists the political affiliation of candidates who are the candidates of an official party registered with the commission, and the candidates who are independents are just listed as blank. They are not given the option of having "independent."

This is a rule that the chief election officer established in the interim of having this matter dealt with, that it would be these directions. So for independents, there is nothing there. There is no political affiliation unless they are—

Mr J. M. Johnson: Are they listed as independent?

Mr Bailie: They are not listed as independent, just blank.

Mr J. M. Johnson: Were there many of the federal candidates who belonged to the three major parties who did not use the party affiliation?

Miss Wells: In your first question you said "in Ottawa." Did you mean at the federal level—

Mr J. M. Johnson: Yes.

Miss Wells: —when Mr Bailie answered? Because federally, you can

choose your party affiliation, you can choose "independent" or you can choose this style here, which is just dot, dot, dot.

Mr J. M. Johnson: But if you belong to a party, you can still claim to be independent.

Miss Wells: No. If you are endorsed by the party leader, under the federal act, you use the party affiliation. So you would be Liberal Party of Canada, Parti libéral du Canada on the ballot.

Mr J. M. Johnson: All Liberal candidates were designated as such?

Miss Wells: Yes.

Mr J. M. Johnson: They do not have the option.

Miss Wells: No, unless they choose to be an independent or a no-affiliation.

Mr J. M. Johnson: Subsection 9a reads "where the candidate has the endorsement of a registered party and wishes to have his political affiliation shown...." Is that not an option?

Mr Bailie: Good point. I see what you mean.

Mr Stewart: If I might, that roughly parallels the federal act. I guess the principle is that if a person perhaps does not believe the party should be listed for constitutional reasons, he would not have to have his political affiliation on the ballot.

Of course, in practice, a person who did not want to have the affiliation listed could just fail to file the instrument signed by the leader, in any case. But at least the way this reads, the person would have the choice; that is, the choice of having "Liberal Party" or a blank.

The Chairman: Does that answer your question?

Mr Matrundola: Mr Bailie, following what Mr Polsinelli was saying, I just drafted something here for the record that you may be able to study.

"Whereas a duly called convention meeting of a duly registered political association for the purpose of nominating a candidate, the president of the association, upon cutoff time of registration of candidates, shall advise the chief election officer of the names and addresses of the candidates." On this point, you will know who are the candidates for this particular party in this particular association in the riding.

"Forthwith, after the nomination meeting has taken place, hence an official candidate has been elected for an officially registered party, the chairperson conducting the nomination meeting shall advise the chief election officer and the Commission on Election Finances."

In this manner, the leader of any party does not have to give the blessing or the okay in the process and democracy will reign, because it is better, in my considered opinion, that the people in the riding, in the association, the members will elect the candidate.

Otherwise, let's change the system. Let's tell the leader, "Appoint the



candidates," as is done in some other countries. We are then going to deal again with patronage, where the leader will appoint the different candidates. If we have to deal with democracy, we should let the public decide. After all, the public wants the three, four, five or six candidates who have been nominated and we go to the polls.

The leader will not say, "I want my candidate to be elected." Sure, they will campaign for a candidate eventually and so forth, but it is the public that has the last word. The public will say who will become the MPP for that riding. So if the public ultimately will have the final say, why should the public not nominate the candidate to start with? It is very simple and, I believe, makes sense.

The Vice-Chairman: I was next on the list. I think party affiliation and how that would work has been clarified. I think the question is getting to that point and how any party does it. We may have been talking about only the three major parties. The other parties that are duly registered and part of the act, as far as being registered for political contributions and so on is concerned, may again have a different style of dealing with it. So I think whatever we decide should be uniform, keeping in mind some of the other so-called nonmainline parties.

Mr Bailie: I have one concern that I want to put before the committee here. I believe, if I am not mistaken, there are some electoral districts where there is not much organization for a political party. On the one hand, if we took the concerns expressed by Mr Polsinelli and the suggestion made by Mr Matrundola, which seems to cover the situation well, we could perhaps put in the legislation a requirement that when a candidate submits his nomination, he will submit a letter from the president of the riding association, and that would complete his nomination and give us the information we need to put on it.

But I suspect, and I could be wrong, there are certain parties that have their nomination meeting in a phone booth in certain areas. I guess somebody in the phone booth would have to be elected the president, they would have their nomination meeting and that person would have to give a letter to go along with the nomination papers. I guess it would be better, for us anyway, because the place where we really need that information is right at the returning officer level. I think we might be inclined to say that would be the best method, but we would like to have just a little time to reflect on that.

1700

The Vice-Chairman: Before I take the supplementary, do you have any background on some of the submissions that were made in writing for the federal act, the reasons the feds decided to deal with one particular person, ie, the party leader—I believe that is what you said—and if that was the determining factor in why they came to that decision?

Mr Bailie: No, I am sorry, we do not have that. But we will see if it is possible to find that out, if there were different options they were considering.

The Vice-Chairman: It may clarify it for everybody around the table.

Mr Bailie: It might.

The Vice-Chairman: Gino, you had a supplementary.

Mr Matrondola: I was saying a duly registered political party and a duly registered political association, because any riding association of a recognized party has to file a return every year with the election commission. If they are registered and they are in good standing, then they are in a position to elect the candidates. Right?

If we come to the point of independents, well, independents are independent. But the three major political parties are all registered parties and they all have registered associations and have executives and whatever they have; they have to have a president or someone who will call the meeting. If, for example, one political party, regardless of which one it is, does not have an association, does not have an executive, does not have a president, then, failing that, they can go to the leader if they so desire, and of course they will see what they have to do. But most political parties have riding associations and they file returns and so forth, and I believe that covers that. There are some other smaller parties, but I believe duly registered parties have the means by which they will elect their candidates, their nomination.

I suppose that will clarify the problem, because I strongly believe that the public, which has the final say, should also have, perhaps, the first say, and that will clear a lot of problems, all over.

The Chairman: Do you have any comments, Mr Bailie? If not, we will go on to the next person.

Mr Bailie: I think I have heard what I need to hear. We will try to come up with a solution to recommend to you that will cover those concerns.

Mr Breaugh: I believe you have to do something like what is recommended here. I am probably the only one in the room who will have this problem with my leader, but I do not argue with it at all. If Bob Rae decides not to sign my nomination papers or whatever next time around, that would be tough, but it is fairer to the people, to the electorate.

If there is going to be a difficulty between a local candidate and the leader of the party, surely the people there have a right to know that. If there is going to be a hassle between Sinclair Stevens and Brian Mulroney, the people have a right to know there is a problem there at the time of the election, not after the election has occurred. I am sure someone would claim massive fraud, "This guy pretended to be affiliated through a political party, yet when we elect him locally and he arrives in Ottawa or Toronto, the caucus refuses to accept him."

So I think some mechanism like this, and each of the parties does it in a different way. I think the best the election officials can do is stay out of it. If it is an argument about whether the Liberal nomination was legal, I do not want Mr Bailie embroiled in that. The Liberal Party has to sort that out, God-awful mess that it is.

In my own party, I do not have any concerns about giving the leader too much power, because in fact the candidates are accepted or rejected by the provincial council and by the federal council. So after my local riding association puts me or this guy named Broadbent forward as the candidate, one of the two councils says yes or no, and the leader then says, "Right, that's the person we're going to run there."

But if there is some problem, I think the electorate has a right to know what that problem is. I think you have to restrict it to the registered



political parties, simply because—I mean, someone might like to run as an ornery New Democrat, and that has a lot of appeal in Oshawa; it has been successful for some time now. But I really do not think we want Mr Bailie to authorize the printing of that on the ballot. I am either a New Democrat or I am not.

I think you do a process like this any way you cut it. I have no problems with the recommendations contained in 9a here. All the problems I can think of are things the parties themselves have to resolve on whether the nomination process was fair and notice was given to the members and all that.

Again, if you worded it in such a way that the local riding association could choose a candidate who the party, through its leader or its provincial council, was not prepared to accept, does the electorate not have a right to know that during the course of the election? I think so.

It would not stop me from running as an independent. It would not stop all the New Democrats in Oshawa who might choose me as their candidate from doing just that. They would have no qualms about saying to the provincial council or the leader or anybody else, "We'll run our own affairs and if you don't like it, too bad." It would not stop me from going to every doorstep saying, "I'm the New Democrat, these other guys are phoneys." It would not stop me from printing signs, running brochures and doing a whole lot of things. The only thing it would stop me from doing is having that listed on the ballot.

I have no problem at all with doing it this way and I just recognize that there are some problems that even we, in our wisdom, cannot resolve here.

The Chairman: On the next item, no one has any concerns with 9b? If not, we will go to 9c and Mr Polsinelli.

Mr Polsinelli: I must say that I disagree with Mr Breagh on 9a and I think I have made that clear.

Mr Breagh: You are not my leader, so you do not have any right to disagree.

Mr Polsinelli: Sure I do.

Mr Bailie, with respect to 9c, my personal opinion is that you either have a registered party affiliation on the ballot or you have the word "independent," that those be the only choices. I do not know what the balance of the committee feels.

Mr Stewart: With regard to that, some provinces do take that point of view. Alberta does; Manitoba does; there may be others. In some places in Canada, that is the way it is done, so it is an option.

Mr Bailie: If the decision of this committee were that it would be is party affiliation or "independent," it would make our life easier having one less option to work with. However, I understood that when the federal legislation was drafted, some candidates made it very clear that they did not want to be listed as independent. I guess they thought---

Mr Faubert: What did they want, "crank" or something?

Mr Bailie: —that might indicate something different from what they

wanted to indicate. But it would certainly make the administration of it easier if the committee felt it should be "independent."

Mr Polsinelli: Mr Faubert agrees with me.

Mr Faubert: Yes. What would they want to be listed as, a crank?

Obviously, if they go down there, the classifications in the House are only by party or independent; you are either a member of an official recognized party or you sit as an independent. Surely the electoral system must recognize the standing rules of Parliament. In our standing orders here, we must say the same thing, "You are an independent or you are a recognized political party." I think the electoral system should follow that.

The Chairman: I guess an analogy is: You are pregnant or you are not pregnant. You are either with a party or you are not with a party. You cannot have it halfway.

Mr Faubert: That is right.

Mr Breaugh: There are some middle grounds.

Mr Bailie: There seems to be a clear indication of how the committee feels there.

The Chairman: No one has any concerns with 9d, do they? Let's go on to section 34, ballots.

Mr Polsinelli: Just an amendment there making reference to 9c.

1710

The Chairman: Are there any other concerns regarding the amendments to the Election Act?

Mr Bailie: We have some material on which we have adjusted some of the wording from the last meeting. I have a difficulty. I have a meeting with the Minister of Government Services which started at five o'clock.

The Chairman: You are already late.

Mr Bailie: I know. My one assistant has gone to meet with him. It was to be a brief meeting to do with where my office is going to be relocated to. If you would permit me to go up to that meeting briefly, I will return.

The Chairman: That would be fine.

Mr Bailie: I did not know you were going to work so late this afternoon. I should have checked that.

The Chairman: We are accustomed to being here at least until six.

Mr Breaugh: I do not think there is any necessity for Mr Bailie to return. If he has some documents he would like to table with us, I think we can handle it that way rather than having him run around the building.

The Chairman: I agree with Mr Breaugh. It is just a matter of distributing it. Is your team is going to go back and look at this and then come forward again in a week or two?



Mr Bailie: Right, we will be ready.

The Chairman: I am sure we could handle this next week. If we could deal with it next week, that would be preferable.

Mr Bailie: Would you prefer next week?

The Chairman: I would prefer next week because we have Rogers Cable coming before us next week. I do not anticipate that that will take a great deal of time. It would give us a chance to put the finishing touches to these amendments. I would like to do that as soon as possible so we can table the report in the House.

Mr Polsinelli: May I make one more comment on the Election Act?

The Chairman: Go ahead. Mr Bailie is going to leave, but if you want to proceed, Mr Stewart will be here and Miss Wells will be here.

Mr Polsinelli: It has to do with the submission I made to this committee last year. Essentially, the law of Ontario presently is that any candidate in a provincial election, short of describing himself as the official candidate for the party, can put whatever he wants in his campaign literature and on his campaign signs.

Michael Breaugh could run as a Liberal, I could run as a New Democrat and my friend Jack Johnson could run as a New Democrat and use the appropriate party colours so that his signs would be indistinguishable from the official candidate's. He could describe himself publicly and at the door in any way he wanted. The only protection the public has, essentially, if the appropriate amendments are made to the Election Act, is that when they go to vote they will see that Mr Johnson is really a Progressive Conservative and not a New Democrat. That is the only protection.

I think it is warranted that this committee consider whether it is happy with that situation, whether it would like to see that continue or whether it would like to recommend some changes to the Election Act to prevent that from happening.

I can relay some personal experiences I had in the last provincial election, where I had a candidate running against me describing himself as a Liberal. I am not sure what this candidate was. Whether he was a Liberal or not a Liberal I think is irrelevant, whatever his political ideology was. But in many areas of the riding, people did not know who the official Liberal candidate was. Many people, I am sure you will be surprised to hear, just vote for the political party they prefer. It is important to them that they know the relevant political affiliation of the individuals. If the candidates' signs are the party signs, the same party colours and they have "Liberal" written on them, and you cannot stop that, it creates tremendous confusion among the electorate.

I think the committee should consider that. If they are happy with it, they can maintain the status quo. If they think maybe some changes are warranted, then maybe they can request that Mr Bailie take a look at that and see if an appropriate amendment can be made to the Election Act to prohibit people from fooling the public, if I can put it that way, or misrepresenting their political affiliation or whatever.

Mr Breaugh: Just a small measure of support here. I think all the

parties now register logos and stuff like that with the Commission on Election Finances. I think we should give some consideration to having the parties register a logo, a name, a colour—I do not know how far you want to go with it—but basically things that are used for purposes of identifying the political party during the election period; if those matters were registered in some way with the chief electoral officer or the election commission, some mechanism of doing that and saying, "Okay, during the election period this is who has the exclusive rights to use this identification system."

I am sure as soon as we write all this down, somebody will come up with a way to get around it, but I think the intention should be laid out here that what I consider to be basically lying and defrauding the public is not a practice to be encouraged, so I think we have to do whatever we can.

It seems to me the easiest way is to have those kinds of things registered with a central source. I do not think you can do much more than simply say that at least during the election period, these people have exclusive rights to the use of this logo. I have a little problem when it comes to colour. I do not know whether we can do that or not.

The purpose of the exercise is to identify those things that are used for party identification and to say that during the election period, the official candidate has the exclusive rights to that. Others can kind of copy or whatever, and it is going to be a heck of a job to try to sort that out, I suppose, but I think the attempt should be made, because I have now seen quite a few attempts or variations on the same thing where somebody tried to confuse the issue. The end result was that the public was not well-informed about who the official candidate was. I do not think we should encourage that, so I am in agreement that we should try to do whatever can be done.

Mr Campbell: Subject perhaps to how far you are going to take this—forgive me, I just forgot the whole brief that was presented dealing with your case—I am wondering if injunctions and those kinds of registered trade marks are the kinds of nonelection things that have to be protected. I am not sure how far you can go to protect something by the time the 30-odd days are over and you are still in court fighting cases; whether injunctions or anything else works in that case.

I am a little concerned about colour. In my case, I tried to get the official party colour of red and found out that the paint company had not made that specific shade for about eight years. There were some difficulties in painting signs that way. I think you have some difficulties that way, but certainly the logo should not appear on a sign. The colour may be difficult, but certainly the official logo should not appear on the sign. That should be protected by copyright in some way, if that is in fact what is required.

I just have a little bit of difficulty, with all the other things that have to be dealt with during an election period, to look after this in five or 10 ridings, which could conceivably happen. It would be a very difficult time. I do not know how you would get around this, but I am just concerned about that. I wonder if there is not a better way that the chief electoral officer can look at to answer this very serious concern. I agree with both previous speakers that it is serious; I am just not sure that is the way to handle it.

Mr Stewart: If I might, just briefly, this was discussed at one previous meeting of this committee, and Mr Bailie pointed out at that time that these things will all be registered, presumably, with the commission, just as the name, the name of the leader and the name of the party are. This



would almost certainly be accomplished by an amendment to the Election Finances Act, so the commission should be brought in and asked to look into it, rather than the election office sort of interfering with their jurisdiction.

1720

Mr Polsinelli: I think the comments that have been made are fairly helpful and they could go a long way in terms of stopping this kind of stuff from occurring in the future. One of the things, though, that I hope you would consider would be an amendment to the act that would make misrepresenting yourself to the public in this fashion perhaps a corrupt practice, or something along those lines, and punishable obviously by some punishment under the act or whatever corrupt practice is punishable with.

I think what something of that nature would accomplish would be that it would become a quasi-criminal charge that would be laid against the individual, and there would be an evidentiary responsibility on the candidate laying the charge, or the crown proceeding with that charge, to prove that in fact the person did what he has been charged to have done.

What that would do, I think, is act as a deterrent. If the candidate knew that by misrepresenting himself to the public, that during the election or after the election he could be charged with conducting a corrupt practice or he would be found guilty of having—I am not even sure what the correct terminology is—

Mr Faubert: That sounds pretty good.

Mr Polsinelli: —being found guilty of a corrupt practice and that he is liable to a fine and he is liable to jail, and he knows there is a tremendous opposition out there, another candidate who is going to be holding on to every scrap of information that could prove that corrupt practice; this may solve the problem. It may act as a sufficient deterrent to stop people from doing this kind of stuff. I hope that you would give that some consideration.

Mr Faubert: I like what has been suggested and I particularly liked what Mr Breaugh said, because I am firmly of the opinion that if there is a requirement to register a logo, colour, name, etc, by a party for the exclusive use of the candidates who are nominated and accepted in the nomination procedure by that party, you can seek an injunction and prevent anyone else from using it, if they so choose to use it.

I think it lies, though, with the parties. I know the act would probably have to be amended and it is probably the Election Finances Act and not this aspect of it. To me, it seems that if it is part of the act and you appear before a judge to seek an injunction, and it is clearly part of the act and that person is not a nominated candidate of a party, he can cause him to cease and desist the use of it.

I am not sure whether you make it a corrupt practice or not. I mean, that is something else perhaps, but it seems to me you can get an injunction in a very short time if it is contrary to the act as such. All copyright law is pretty specific and it is enforced in the courts and it is done effectively. That is done by product. After all, what is a candidate if he is not a product of a party, in those terms? I think you can be protected by legislation in the same way.

Mr Breaugh: Is there a warranty that comes with it?

Mr Faubert: No, there is not even a guarantee of truthfulness, as you can see.

Mr Polsinelli: I am not sure that Mr Faubert's suggestions would work, because the arguments that were made before Mr Justice Campbell, in August 1987, were along those lines—

Mr Faubert: But there is no requirement in the act.

Mr Polsinelli: —that, in effect, the other candidate was passing himself off as something he was not and copyright law was argued.

Mr Faubert: But there was no legislation to back up that argument. If you had legislation to back it up, then you could carry a lot more weight.

Mr Polsinelli: All I am suggesting is that if the legislation is only of a nature of registering trademarks and logos, without any accompanying provisions for misuse or abuse of those logos, then you may end up being in exactly the same situation that you are in today.

Mr Faubert: If deceit was a corrupt practice, Mulroney would be in jail.

Mr J. M. Johnson: I support the need to protect the party logo. I think colour is another story. I think Mr Campbell, when he lays claim to the colour red, is off base because the Russians and the Chinese have had that for some time.

Mr Chairman: So we are catching up.

Mr Matrondola: I believe we should try to clean up the act as much as possible, the fine things, because when you are at election time, and there are only 35 or 36 days there, something may come up in a week or two weeks or in the last few days of the election and by the time you go and get an injunction, even though in many cases it is easy to get one and to appear before a judge and so forth with the arguments and everything else, the candidates have their hands full campaigning. They really have not got the time to go and argue before a judge. We should be able to have the things set clearly, and if somebody does not abide by the rules duly passed, then there should be a charge. That is all there is to it. That is the only way we can clean up the act.

The Chairman: Okay. I gather, Mr Stewart, that you are going to go back and get some information on this, about what has happened in other jurisdictions, and come forward with a recommendation next week.

Mr Stewart: Yes, certainly, a recommendation as to how far this is appropriately dealt with in this act—for example, the corrupt practice suggestion may be suitable for this act—and have Mr Bailie give some thought to the question of what steps should be taken to take the matter over to the commission for whatever part cannot be dealt with in this act.

We have done some research in the past. It creates problems. Just relating to the case that caused this controversy, I am not sure that any act would prevent someone from ever describing himself as, say, a Trudeau Liberal, because really you are talking about a philosophical argument. I am not sure



that a court would accept it as misrepresentation if a person wanted to say, "I am a member of this party in the tradition of such-and-such a figure." But certainly we will look into it.

Mr Polsinelli: Along with that, if you have brought before the court 10 individuals from the riding who indicated that person had completely misrepresented his position, then you have got something worth while.

Mr Breaugh: It is kind of like the free trade debate, is it not?

Mr Polsinelli: No, my suggestion would place an evidentiary burden on the candidate who was alleging the charge. It would not be a simple thing where you say, "Look, you committed a corrupt practice because you have a sign that says 'Trudeau Liberal.'" Once you are before the courts, then the evidence would be there to the satisfaction of a judge that in fact you have infringed the act.

The Chairman: Thank you, Mr Stewart and Miss Wells. We will hear from you next week. If there is a problem with that, you can let the clerk know. If not, we will be back here at 3:30 next Wednesday.

Mr Campbell: Are these the only two recommendations that we are going ahead with as a committee?

The Chairman: No, they are the only two that were left outstanding from the other ones we did.

Mr Campbell: Okay, so the other ones are deemed to—

The Chairman: Not only deemed, but they were approved by this committee. These were the only two left outstanding, if I recall correctly.

Mr Campbell: I just wanted to clarify that.

Mr Stewart: The only two whole issues, yes. There may be some areas where the actual wording is not completely clarified yet.

The Chairman: We will go through that next week. I do not expect the other issue will take a great deal of time. I could be wrong, but we will proceed as far as we can next week with this matter.

I just want to mention that next week we will have before us Rogers Cable TV. The matter concerns, as the steering committee is aware, a federal TV channel that they wish to have, broadcasting not only items from the House of Commons and the Senate but also specific and more enlightening matters from other parts of the country; for instance, the Ontario budget or things from British Columbia, Prince Edward Island, Newfoundland or something of that nature. Mr Somerville will be here to give his views on the particular matter and people from Rogers Cable TV will be here to make this proposal, which they are putting together with the CBC. We will have them on first thing next Wednesday.

We will now go in camera to discuss another matter, unless someone has another item which we should discuss publicly. If not, the formal part of this meeting is adjourned.

The committee continued in camera at 1730.





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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

REVIEW OF ELECTION LAWS AND PROCESS

WEDNESDAY, 7 JUNE 1989



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)  
VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)  
Breaugh, Michael J. (Oshawa NDP)  
Farnan, Michael (Cambridge NDP)  
Johnson, Jack (Wellington PC)  
Matrundola, Gino (Willowdale L)  
McClelland, Carman (Brampton North L)  
Morin, Gilles E. (Carleton East L)  
Sterling, Norman W. (Carleton PC)  
Stoner, Norah (Durham West L)  
Sullivan, Barbara (Halton Centre L)

Substitutions:

Cooke, David R. (Kitchener L) for Mrs Stoner  
Fleet, David (High Park-Swansea L) for Mr Matrundola  
Furlong, Allan W. (Durham Centre L) for Mrs Sullivan

Clerk: Deller, Deborah

Staff:

Yeager, Lewis, Research Officer, Legislative Research Service

Witnesses:

From the Office of the Chief Election Officer:

Bailie, Warren R., Chief Election Officer  
Stewart, Alan, Special Adviser (Legal)  
Wells, Lorie, Chief Election Clerk and Information Officer



LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, 7 June 1989

The committee met at 1544 in room 151.

REVIEW OF ELECTION LAWS AND PROCESS  
(continued)

The Chairman: I call this meeting to order. I see a quorum and we will proceed with the consideration of amendments to the Election Act. We have with us Mr Bailie and his colleagues. Please take the chairs and we will proceed.

Mr Bailie, you were going to look at some options with regard to the ballot and things of that nature, whether it was to be political identification and so forth.

Mr Bailie: Yes. I have with me my assistant, the chief election clerk, Miss Wells, and on my right Alan Stewart, special adviser. We have some wordings for your consideration.

Mr Stewart: If you have the latest version, it will be at the back, on page 2 of the addendum. It is essentially on the last couple of pages of the whole thing.

The issue that was brought up last time by Mr Polsinelli was, first, whether it was right, as in the original draft proposed wording, to provide that the leader of the party would be the person who certifies by his signature that a particular person has been endorsed by the party. The other options that were suggested were the president of the party and the president of the local constituency association. On page 2 and page 3 of the addendum, you will see that those three alternatives have been set out as such, as they would look. It would be a matter essentially for the committee to pick the one it prefers after consideration.

I believe Mr Campbell also asked for some information about why it is done the way it is at the federal level and I believe Miss Wells has some information on that.

Miss Wells: We were asked to provide some background information to the committee as to why the leader of a political party was the person required by the Canada Elections Act to endorse a candidate, and not a person in authority in the political party organization.

The report of the Barbeau committee, which examined the federal electoral legislation in the 1970s, noted that federal legislation on electoral matters in Canada was distinguished by its failure to recognize formally that political parties exist.

Mr Hamel, the chief electoral officer for Canada, explained to me that it was a characteristic of our British parliamentary tradition that political parties are not normally mentioned in any legislation, although this started

to change in the latter part of the 1970s with the advent of political party financing legislation.

In the late 1960s and early 1970s, when the federal legislation was being drafted so that political affiliation could be placed on the ballot, there was no electoral legislation in place at the time that gave political parties any legal status. It was decided therefore that the doctrine of agency would apply. Since the political parties did not use standard titles for the positions in their organizations, the leader was chosen as the party's agent for this purpose, as all political parties usually have a readily recognizable leader.

Mr Hamel indicated to me, however, that the intent of the legislators was not to give the leader a veto as such. He said that in the two instances in federal elections where the leader has refused to sign the endorsement of the candidate, it is important to remember that the decision of the leader was not challenged in this regard.

Mr Stanfield refused to sign the endorsement for Leonard Jones in Moncton and Mr Jones decided to run as an independent candidate instead. Mr Mulroney would not endorse Mr Stevens and Mr Stevens decided to not run at all in the election.

As well, Mr Johnson asked a question at the last meeting on the provision of the Canada Elections Act that says, "Where the candidate has the endorsement of a registered party and wishes to have the name of the party shown in the election documents relating to him." He wanted to know if this meant a candidate could have a choice whether the political affiliation would be shown with his name on the ballot. Mr Hamel said that in his experience this issue has never arisen, although he agrees the wording seems to indicate that a choice could be made.

1550

Mr Campbell: Thank you for the answers to my questions on that. I wonder about the mechanism if someone, for example, wanted to run as an independent and you were to go with the leader as the person who signs the nomination forms. Number one, if we were putting the party on the ballot, then it would recognize the existence of parties in our parliamentary system and therefore it would be legitimate for the party leader to sign the nomination papers.

Number two, though, concerning someone who loses a nomination and wants to run as an independent as we discussed on the ballot papers, but more widely dealing with the issue of someone who wants to run as an independent, how would that work if there were no party president for an independent candidate? I would not want to abrogate the rights of an independent to run.

If you were to choose the leader, you would probably have to have some provision for an independent candidate to run without a party label, but also without an endorsement by some other person. I just want to clarify how you were planning to handle that.

Mr Stewart: The proposed wording of section 34, which is on page 5 of the addendum, which should be the very last page in the document, indicates that there are two options: either you are endorsed by a party in which case



the party name appears, or if you are not endorsed, then the word "independent" appears. That situation would be taken care of by that.

Mr Campbell: But as my legal friends say, it is a moot point. If it is not mentioned in the legislation, it might technically not allow an independent candidate to run. I am saying there should be something specifically saying: "Okay. You don't run under a party endorsement, fine. If you run as an independent, then different rules apply." Do you see my meaning? Otherwise, technically, you could run in the next election and no independent could run. That may not be a bad thing, but we are trying to widen this thing, not narrow it. I am just concerned, from what I have seen here, that we may have left that out.

What I am saying in conclusion is that if you want a party label, your party leader must sign. If you want to run as an independent, it does not say here that you can.

Mr Sterling: I do not know whether there is a problem or not, but maybe I could suggest an alternative to the proposed amendments, which I believe would have the same effect but would lessen the bureaucracy in relation to this whole thing and I think might take care of Mr Campbell's concern.

I would reverse the onus in this whole thing. I would say that anybody who is registered as a candidate and says he is a Progressive Conservative and has the backing of a riding association should be able to register as a Progressive Conservative and have his name as a Progressive Conservative. However, I would give the right of intervention up to a certain point, whichever you would recommend, on the part of the party leader, if it is a registered party, to register objection with the election process.

In other words, you do not have to go around and have an endorsement process, going across the province for each and every candidate and each and every party. All you would have is the normal process we have had in the past. They would have a chance to inject themselves. The case we have in history that is best known—well, there were the two cases that were brought up on the federal scene. Mr Stanfield could go in the process, maybe before nomination day and say, "We object to Leonard Jones representing our party," and that would stop it there.

The way it is now, you are going to get a focus on the party centrals controlling the nomination process by saying they would have to endorse each and every candidate. I think it is giving too much power to the centre and taking it away from the riding associations. I would put the burden on the leader to inject himself, if he found Mr Morin objectionable, but I know he would not. I hate to use personal examples.

Mr Stewart: There are three alternative wordings set out here on page 2. One of them says, "Where the candidate has the endorsement of a registered party" the instrument shall be "signed on behalf of the party by the leader."

The second one says, "Where the candidate has the endorsement of a registered party" the instrument shall be "signed on behalf of the party by the president, or other chief executive officer as the case may be." The reason for that wording is there is no requirement that the principal officer of a party be the president.

The third option says, "Where the candidate has the endorsement of the constituency association of a registered party...the nomination paper shall be...signed on behalf of the party by the president...of the constituency association," the locals.

So the degree to which the process is centralized simply depends on which option the committee prefers, and they are all three outlined.

The only question I would raise with regard to Mr Sterling's suggestion is that this information comes in on nomination day and the advanced poll opens a couple days later, so the returning officer has to be able to know, by law, whose name to declare as the Progressive Conservative. If you just allow someone's claim to be the Conservative candidate to be accepted, of course, ordinarily that would work fine. But what if two people make that claim, one claiming that the leader endorses him, the other saying that the president of a local association endorses him, and the statute does not indicate whose decision is the conclusory one?

Mr Sterling: Well, what is the present situation?

Mr Bailie: The present situation is that we do not recognize political parties. All candidates are equal.

Mr Sterling: Okay, but you do in a sense, by posting a notice outside the poll saying that I am a Progressive Conservative candidate.

Mr Bailie: On the nomination paper there is a place for them to indicate—

Mr Sterling: Maybe the time the leader of the party would have to indicate if anybody was not representing his party is the day after a nomination.

Mr Bailie: They would have 24 hours to indicate?

Mr Sterling: Yes.

Mr Bailie: That is about all we could allow.

Mr Sterling: It makes the leader have to be proactive in kicking a candidate out and that is what I want. I do not want the candidate going with cap in hand to the leader and saying, "I have won the backing of the local riding association, but Mr Leader, do I get your blessing?" That backs up into the process and you get to the nomination convention and it says, "Well, do you have the backing of the leader?"

That becomes part of the equation in the nomination process and I do not think it should. I think the riding associations should be independent, even though they are all part of the party. I think the controls in our political system are too leader-oriented as it is, and this gives too much weight to him. But I do like the check situation where the leader does have a final word.

Mr Breaugh: I was going to suggest, and it is kind of along these lines, that I prefer the third version of the wordings here. I would advocate that if there is going to be a problem with the candidate, the public has a right to know. But the obligation is on the political party to inform the



public and the returning officer and everybody else. It surely cannot be on someone else.

The reason I prefer the third wording suggested is simply this: No one else has any obligation to be at that meeting and to have immediate knowledge of who actually won the nomination. The leader does not and the president of the party does not, but one would think the president of the local riding association would have an obligation to be there, and for all practical purposes would be most likely in attendance at the formal nomination meeting.

Now if the parties do not like the way the—for example, in the last little round of these incidents, the Liberal Party happened to be caught on whether the nomination meetings were held correctly or not. Surely that has to be something the political parties themselves straighten out. It cannot be the chief election officer who gets caught in the middle of that jackpot. His job should be to take some kind of an affidavit or declaration from an acknowledged person—that is, someone who is the office holder of a local political party—and we have a way to register them with the commission and all of that so we can identify who this person is.

Surely when that person presents himself to the local returning officer and says, "This is the candidate we have chosen at this nomination meeting," or however the wording of the form might be put together, it is reasonable to expect that person has some knowledge that this event did occur. It is almost like an affidavit that my party, the New Democratic Party, had a meeting last Friday night at the Holiday Inn and the delegates there assembled chose this person, and that is as far as the election officers should be intervening in that process.

If the leader of the party does not like the way we held the nomination meeting, his right is to intervene with the local riding association. If the provincial council thinks it made the same mistake, again it is their right to intervene with the local riding association. But we should not put the chief election officer in the middle of this jackpot. If the Liberal Party of Canada does not like the way the Liberal riding association in North York held its nomination meeting, that is an internal party argument. It should be kept that way.

1600

I think the method of dealing with this I would choose is the third option proposed here, so that the legal obligation of the local returning officer is to identify who legally represents that political party in that constituency and to accept his or her word that this is the candidate. If the parties want to have an argument about whether the nomination process was fair, whether everybody was given proper notice, whether everybody was a Liberal in good standing or whatever the argument is, let the parties organize that side of it themselves.

The end result is that the public will know that the Liberal Party challenged the local riding association's right to do that or the New Democratic Party provincial council rejected the choice of the Oshawa riding's candidate. That is the nature of the argument. The chief election officer only has to take a declaration by a clearly identified local person who heads up a local constituency association. That is the only legal obligation for him, and the political parties can sort out the rest of it themselves.

Of the proposed wordings before us, the third option says, "Where the

candidate has the endorsement of the constituency association of a registered party"—and that is now a matter of record—"and wishes to have his political affiliation shown on the ballot, the nomination paper shall be accompanied by an instrument in writing, signed on behalf of the party by the president or other chief executive officer as the case may be, of the constituency association, as registered under clause 11(3)(e) of the Election Finances Act, 1986, certifying that the candidate is endorsed by the party."

It seems to me that that is a reasonable expectation that can be done, and that is as far as these people should be involved in that side of the process.

Mr Sterling: Can I just ask a question? Would you support a system whereby a local association in your party or any other party, for instance in Timbuktu, nominated a racist to run on your party label, which would be very contrary to your party's, my party's and the Liberal party's political positioning? You would not give your leader the right to exclude that person from running on your label.

Mr Breaugh: Yes, I would, but I would put it this way. It is not their place to intervene in that argument. That is an internal party argument. The NDP, the Liberals or the Conservatives can make their own arrangements to identify whether they do or do not like the candidate. I would say the public has a right to know whether a locally endorsed candidate is going to be accepted by the leader of the party, for example, or whether the parliamentary arm of the caucus, the provincial or federal organization is prepared to accept the decision of a local constituency organization.

The reason I accept this third proposal is that from their point of view the only agency, the only group of people that actually has a nomination meeting, is the local riding association. We can identify them. They are registered with the commission. I think it is a reasonable expectation on our part to say that that legal obligation cannot rest with a leader who was not there or with a federal council that was not present at that meeting, and that the only legal entity is the local organization.

Mr Sterling: I buy that. But how does the leader exclude?

Mr Breaugh: The leader says: "That's fine. I accept the decision that's made by the Oshawa riding association, but that person is not acceptable to me as the leader of the party and I will not accept him in the caucus." The provincial council can write scathing letters once again about the terrible things the Oshawa riding association has done, and the local public is informed that this candidate is not acceptable. But I go back to the earlier position that there is no legal entity other than a local riding association which I think we can reasonably expect them to deal with.

Mr Sterling: So the leader would not go to them and say, "This is not a recognized candidate." You would not have a candidate in that riding, in effect, except that you would have an NDP candidate on the ballot.

Mr Breaugh: Yes.

Mr Sterling: You would be chastised publicly by your own people.

Mr Breaugh: Yes.

The Chairman: Mr Fleet, then Mr Campbell and then Mr Furlong.



Mr Fleet: First, I would like to ask a question with respect to the third proposal about a constituency association. Is it now possible, and I am wondering about the minor parties, for a party to have a nominated candidate without a registered constituency association?

Mr Bailie: Yes.

Mr Fleet: That is what I thought. So the third provision would have the effect of disenfranchising minor parties effectively?

Mr Bailie: If this were adopted, any candidate for a registered party would have the right to have the political affiliation on the ballot, but we know that some of those minor parties do not have the constituency framework, associations in each and every electoral district, which is what you were asking.

Mr Fleet: They could run as independents, but they could not run as X, Y or Z party.

Mr Bailie: Even the major parties. I remember an election in York South. Mr MacDonald was running, and I heard that one of the other parties had a nomination meeting and there were four people there. This was not at the time of constituency associations. What would they do? I guess they could constitute themselves as an association. One would be the president, one would be the treasurer and one would be the auditor and they could register right away.

Mr Campbell: And the person came away as the candidate.

Mr Bailie: It could happen. What I was trying to say is that it could be one of the major parties. That is a possibility.

Mr Breaugh: Just as a follow-up, because that is an interesting point: As I read this, any registered political party could and would have, I would think, someone it could legitimately designate as a local president or other chief executive officer. There would be someone to take care of financial matters. There would be somebody who would be appointed or anointed in some way as the campaign manager for somebody. As long as you were a registered political party, you would not have any difficulty under this. Those who were not registered as political parties under the Commission on Election Finances would be out of luck in terms of putting party affiliation on the ballot, but as long as they were registered with the commission and could legitimately identify somebody as a local executive officer, they could do it under this. That would be my interpretation of it.

Mr Bailie: One of the things we would do, as you would expect, is that for any significant changes to the act we are going to get that out to the media, and we are going to advertise it by paid advertising to make sure that associations and candidates realize that if you are the candidate of a registered party and you expect that your name will be on the ballot with the political affiliation following, you had better get an organization registered before you come in with your paper to the returning officer, if this option is chosen.

Mr Fleet: I would like to touch on another aspect. I have come to the opposite conclusion from that of the member for Oshawa (Mr Breaugh).

Mr Breaugh: You are the second person who has done that this year.

Mr Fleet: I am concerned about the premise that underlies that approach. For practical purposes, and I know a little about the other parties but mostly about my own, if the riding association constituency has a president or whatever, there is no obligation and there is no way to force somebody to sign the document if he is the riding president. There is, for practical purposes, a pressure put on the leader or the president of a party overall. They will have to make a decision one way or another.

But frequently riding associations will have a president and an executive involved in a very partisan way, and in our party they do not even run the meetings. They do not run them at all. They are not the best-placed person to make a determination. They might not even be in the room where a counting is done. They may not have any involvement in it at all. It is done by other parts of the party.

Moreover, if they are involved in a partisan way in support of one nominated candidate—

Mr Breaugh: Secrets are coming out here.

Mr Fleet: —as opposed to another, then there is no—

Mr Breaugh: It is called a front organization.

Mr Fleet: It is run by independent people from elsewhere in the party.

Mr Breaugh: That is what I said, a front organization.

Mr Fleet: So the bottom line is that if, say, for instance, the president of a riding association is unhappy with the result, as a practical matter he or she could simply refuse to sign the form and the practical leverage on the winner of the day, not to mention on the party, would be enormous.

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When there is an appeal process in a party, and I think all three of them have a form of appeal process, and you get situations like the Mississauga East Liberal nomination, where they had a reversal and a new nomination, you get into very curious problems about who is the candidate, and people could have a debate about it.

I think what you want to do is have somebody signing a document who is going to be definitive in the minds of the public and the returning officer. Although I have a kind of concern such as that Mike mentioned, I think the practicality of who has pressure on him and when, means that I would lean towards having either the leader or the head of the party, the president or whatever the office is called, signing it. You have one person you can go to, it is going to be definitive and you can cope with it.

You also have an interesting problem if you have what happened in Toronto, Etobicoke-Lakeshore, the federal riding, where you have somebody withdraw. Although this does not quite touch on this point, it is akin to it, because what happens after they withdraw? Is the party just out of luck, which is what happened in the federal situation, or is there some means of getting somebody named as the candidate?



I think that would merit some consideration, because although it is unusual, I guess it could happen again. I would be curious to see if, at some point, that would be contemplated, because that goes to the issue of who represents the party.

Mr Campbell: First, I think we are all agreed that number 2, the president, is not part of this equation, if I am reading that correctly.

I have a number of concerns—some of them have been mentioned—about somebody having to make the decision on behalf of the three major parties and perhaps some of the fringe parties that are registered. Someone has to make the final decision. In 99 per cent of the cases, the leader, signing it, would have no problems and just routinely sign them all.

I have a problem in dealing with moribund riding associations for all three parties. I think if we are all honest, there are some in each part of the world that are pretty well moribund.

Mr Breaugh: Some are more active than others.

Mr Campbell: Yes, I will allow that point. In any event, there are some cases where, while you are saying that you do not want to draw the commission into making this decision, somebody will, I am sure, arbitrate the fact that these are not bona fide riding associations under the terms of the act as it is applied here. I think there could be a federal case on this thing. However, if the leader signs it, that is the end of it, because you have identified to the public—I remember the fallout from both the Jones case, when Stanfield refused to sign, and the Sinclair Stevens situation. There was quite a clear identification that the person was not to be the official candidate, and I am sure it was clearly covered in the local riding; I do not know about Moncton, but certainly in York South or whichever riding.

I guess my first point is that constituencies are going to present a lot of problems. I think there will be occasions where you cannot get a bona fide constituency organization. I realize, of course, that each riding has to file with the Commission on Election Finances certain information, but I am not sure that is the same, necessarily, as this kind of process.

The final decision being made by the party leader clearly identifies that if we are following the principle of having the party affiliation on the ballot, somebody has to take ultimate responsibility, and I think the party leader, in council with other people who make those decisions, has to make the final decision and has to be responsible to make sure that the candidates who have gone through the process and have been selected by the party are necessarily the ones the leader is going to endorse.

I know there are some problems with central party. If you come from northern Ontario—

Mr Breaugh: This is the ultimate line. I have heard this before.

Mr Campbell: I am sure you have.

Mr Breaugh: I hear it a lot.

Mr Campbell: I am concerned about the whole question of how we are going to design what is a legitimate constituency. Are we going to follow the party rules as to what is a legitimate constituency, or are they going to have

to write new rules to say what a constituency is, which may not agree with our party philosophies on all three sides?

For those reasons, I think the bottom line concerns whether it is appropriate or not. Somebody has to make the ultimate decision as to which name appears on the ballot in the local constituency. I am afraid that has to be the leader; I do not see any other choice. I am really concerned about the constituency getting a whole bunch of rules and regulations from these good folks to make that decision. I really am concerned about that for those reasons.

Mr Furlong: Much of what I was going to say has already been said. I have some problems with the constituency association president making the decision. I can go back, not so long ago—in fact, it was in Mr Breaugh's time—where it was very difficult in a certain riding to even get a constituency association together from a registered party. There would have been some extreme difficulty at that time—things have changed drastically in the last few years, I want you to know, but that used to be the case. He has been around a long time.

Mr Breaugh: Hula hoops were big for a year, too.

Mr Furlong: Anyway, it strikes me that the place for the decision to be made is with the leader. I would support that the leader should be signing the designation.

Mr Breaugh: The room is full of Stalinists.

The Chairman: We have Mr Sterling. You had some points you wanted to make.

Mr Breaugh: Now comes the Maoist.

Mr Sterling: I would like to see something that is as easy as possible for you to be definitive on the nomination day, or the day after nomination day, as to who does or does not represent the candidate. I agree with Mr Breaugh that you cannot be involved in a constituency association, whether a meeting has or has not operated according to their own constitution. But I would also like to see a party leader have the same power as Stanfield appeared to have with Jones. I am not sure exactly how that was done, whether the constituency association threw Jones out or Jones withdrew or whether he had a legal right to stop it in its tracks. I would like to see the leader have a legal right.

The third principle I would like to see embodied is that the leadership of the party not be placed in a position of endorsement but only intervention, because endorsement to me means there is then a central party focus, which I do not think you need. I think we have got away with it in the past. There are many candidates that have been nominated, I know, from my party who were not the choice of the central party but became very prominent and good politicians in our province subsequent to being elected.

Those are the three principles. Having said that, how best do you see running it, from your point of view?

Mr Bailie: We want you to appreciate that often, if the returning officer is following my recommendations, he has the ballot on the press following the lunchhour on Thursday, the final day, with the proofs sent over



to the returning office. When the nominations close at two o'clock, they doublecheck that everything is in order and ask them to start running it.

We do not really have an extra day to wait. If you look at the proposed wording, the first one reads, "(9a) Where the candidate has the endorsement of a registered party and wishes to have his political affiliation shown on the ballot, the nomination paper shall be accompanied by an instrument in writing, signed on behalf of the party by the leader as registered under clause 10(3)(c)."

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If you are asking me, that is the one we need in order to get the ballots done for the first advance poll, which comes at present about 36 hours later; that is, the first voting in the advance poll in the returning office. If the proposals we have made are actually passed, and I do not think we can ensure that would be the case, even if they were to pass this committee, then we would have an additional day, but it is not very much time in order to get ballots done.

If the committee were to recommend a proposal that gave someone a day to get in touch with us to cancel a name, we would then have to take the position that we had better wait one full day before printing any ballots in every case, in case one might be objected to, and that would put us at a disadvantage under the present system or even the one that is proposed because there is so little time.

Mr Sterling: I would argue that was not the case. I would say that when trouble was brewing, you would probably know about it.

Mr Bailie: Have a hint of it. I guess that is true.

Mr Sterling: You could go ahead and print. It would not be cancelling anybody off the ballot. I do not think any leader of any party would have that right, the right to knock the name off the ballot. I think you could reprint the number of ballots for the number of times—

Mr Bailie: In that odd case, I guess that is true.

Mr Breaugh: I would be interested in your comments on this. When I went through the first proposed wording you have just made mention of, the first thing that struck me was that this is a little impractical. That poses a problem on the political parties in terms of the timing of their nomination meetings. You would have to make sure you could get the written endorsement of the leader, and I would not want to hear arguments that a fax machine is not a legitimate signature and all that stuff. That is why I kind of discarded the first wording here.

I would have no objection if you did some variation of the third proposal here, where there was a provision for the party centrally to register an objection that might cause the party affiliation to be removed. I have a little difficulty with how practical that is, but I appreciate the point that there may be an occasion when the only legal entity, the local riding association, does something it should not. Frankly, I would be content to leave that as an internal party process, but perhaps you want to insert something that says, "If the local returning officer is notified of an

objection, party affiliation may not be used," something like that. You are protecting the franchise or something.

I do not know how you would do this, but I just do not think it is fair to insert these people into what are often very bitter internal political party battles. I do not know how you do that unless you pick one group to be the legal entity that is allowed to use the party affiliation. For example, if you did it the other way around, if you said the leader does that and they disqualified me from being the candidate, my first argument is, how could the leader identify who the candidate is? The leader was not present at the nomination meeting. He has no knowledge of what decisions were reached there and no ability to challenge my legally registered riding association from making that.

I do not think it is Mr. Bailie's responsibility to be caught anywhere near this argument. I would say that if you want to alter this proposed wording somewhat, why do you not think about something like this? The local riding association submits the form. The parties centrally have a legal right to put some kind of disclaimer in front of them which says, "We're not going to get you involved in who's the candidate, but we are protecting the right of using the party's name."

They could register some objection with the local riding officer in a relatively short period. They would have knowledge, I presume, of the nomination meeting coming up, so they would be somewhat warned of that. If they knew there was going to be an internal party fight and some question would be raised about who was the official candidate, we have given them some opportunity of notice. They would not be able to block a local electoral process, but they could protect the franchise, so to speak, by saying: "Fine. We'll sort out who's the Liberal later on, but in the meantime this person can't use party affiliation on the ballot."

Mr Campbell: The more we talk about this, the more we are getting them involved in stuff.

Mr Breaugh: Yes.

Mr Campbell: I buy somewhat the arguments about central party power and I understand them. My point is for them, after whatever decision has been made—our parties may work very efficiently in dealing with this, and I am sure they do, but there are other registered parties that would not have the same sort of understanding and they may want to nominate candidates. I am afraid this democratic process is going to be lost in here if those third, fourth or fifth parties do not have somebody who is making that final decision.

If what you are saying is they cannot use the party label, I think you achieve the same thing by having somebody, I would think the party leader or the party leader and counsel, making that decision by saying, "No, they can't use the party label." What is different from what this is? Maybe I am not clearly understanding what you are saying because I think somebody centrally—and I go a little further.

I will ask for the question in a minute, but I will go a little further. If in fact that list was delivered to Mr Bailie, because of the fax machine and all this other stuff, and he were to determine that yes, this is the slate of candidates centrally, then he could contact them and tell them to run the presses or whatever. That would simplify it even more for them.



Mr Breaugh: There are some problems. In each of my elections in the last little while there have been people representing registered political parties running in those elections. They did not have a local nomination meeting. They did not have a local riding association. I would argue that it is not an unreasonable expectation that there would be a chief financial officer locally appointed for that party. If they cannot get two people together, I do not think it is asking too much for them to do that, if they want to continue to have their nominations processed centrally, and some do.

The Marxist-Leninist candidates who have run against me have all been people whom I have never seen before, who were nominated by some process I was not aware of, but they were all considered to be legitimate candidates. They ran against us during the course of elections. I do not have any problems with that.

All I would argue, though, is that it is not an unreasonable expectation to say that they have an obligation to be registered with the Commission on Election Finances and to appoint a candidate and one other person who can be held accountable in some small way, locally, for saying, "That's your candidate." That is all I really want. I have no problem if you want to do something that allows parties, the major parties for the most part, I guess, to withhold the use of the party name. I do not have any difficulty with that.

Mr Campbell: You have essentially said the same thing. I do not think we are concerned about---it says "registered party." If you have somebody like the party leader preventing that person from using the party name, then I think we have accomplished it. Whether the local constituency, whatever system it provides to nominate---

Mr Sterling: Nobody seems to be arguing. I think there is agreement.

Mr Campbell: Except that---

Mr Breaugh: I think we need a little wording.

Mr Campbell: Maybe what we could do is ask them to come back with this clarification reviewing this, because I am not sure that is exactly what we are both saying. If we both say that the registered party---

The Chairman: Just a moment. If you two cannot agree on what you are saying, then I am not sure Mr Bailie is going to help you out and know exactly what you are saying.

Mr Campbell: Let me finish then.

The Chairman: I am going to ask Mr Bailie because he has to be the---

Mr Bailie: I have been listening very carefully. Just try this on for size, "Where the candidate has the endorsement of the constituency association of a registered party and wishes to have his political affiliation shown on the ballot, the nomination paper shall be accompanied by an instrument in writing, signed on behalf of the party by the president, or other chief executive officer as the case may be, of the constituency association as registered under clause 11(3)(e) of the Election Finances Act, 1986, certifying that the candidate is endorsed by the party."

There would be another subsection, "Where the leader of the party wishes to withhold the right of a candidate to have the party name printed below his

name pursuant to subsection 9a, he shall file a statement in writing with the chief election officer before the close of nomination."

Does that encapsulate it? In that way a party leader could file a letter with the chief election officer before the close of nominations and the right to use that would then be withheld.

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The Chairman: What would that do then? Let's be clear on what that will do.

Mr. Bailie: What will happen is the constituency association—certification must accompany the nomination. Notwithstanding, the leader of the party would have the right up to the close of nominations—that is 2 o'clock on Thursday, the 14th day before election day—"Where the leader of the party wishes to withhold the right of a candidate, he shall file a statement in writing with the chief election officer before the close of nominations."

The Chairman: What that may do, then, as long as we understand what we are going to do is that the particular party may not have a candidate in that particular riding.

Mr. Campbell: Could I ask Mr Bailie, since I had the floor before we went to the clarification, what are you going to use as rules as to what is a bona fide constituency association? Clearly, you are now in the position of saying what is a constituency association.

Mr. Bailie: Let me just repeat that section. The wording I just read was "of the constituency association as registered under clause 11(3)(e) of the Election Finances Act, 1986." That is where they are defined.

Mr. Campbell: So are you saying the constituency association definition will be under the Election Finances Act, the same body that has to file all the appropriate paperwork?

Mr. Bailie: Right.

Mr. Campbell: With that clarification, I would not have any problem as it is outlined. I would like to see it written up before we finally make a decision.

Mr. Bailie: Oh, yes. I just scribbled this out.

Mr. Campbell: If that is all right, I think we have resolved it then.

Mr. Fleet: I do not know if there is really agreement. There has been a lot of discussion about different ideas here. This last proposal still leaves the basic problem that you have a person, the riding president, who is a person against whom there is no leverage in any practical way. I do not think the object of the exercise should be to have the result that the riding president can nullify the capacity of the party to have a party representative on the ballot.

The proposal that was being made was that if a person said, "I'm the candidate," and had the signature of the riding president, the person would get the name. The name of the party can be taken away. In effect, if the



riding president chose to sign a document for somebody and the rest of the party literally said, "that's not our duly elected person," the best the leader could do is negate the capacity of the party to have any candidate at all. I do not think that should be the objective.

It seems to me that the kind of concern that was voiced, particularly by Mr Sterling, about whether it is the local party that is doing the picking of the candidate or not, is quite apart from any of these considerations. The local candidate may be selected by local people without interference from the central party or he or she may not be. That is irrelevant. You mentioned it earlier. I think that is totally irrelevant to this endorsement situation. The value of having the endorsement is so that party affiliation is provided by a person the public identifies with the party, and in a way that makes the election staff's job capable of being carried out without their having to muck around inside the party.

The notion of having a kind of double veto, which is what that last proposal would do, is not really what the game ought to be about. What the public is voting for when they are voting for a party is a certain set of principles and a leader. The locally named candidate is something the party will sort out. I do not care if it is the leader. I would be content if it were the president of the party across the province. That would not bother me at all. The notion of having the constituency person sign on—and if you do not, the party is beat—means that the choice of the leader or the rest of the party, if you like, becomes not one of saying, "We've designated so and so who won properly," but becomes one of saying, "Do we want to put up with that person or do we go with nobody at all and give up the seat?"

Mr Breaugh: Excuse me. This proposal brings, in some measure, some of the problems that the member for Yorkview (Mr Polsinelli) has had. Somebody has to designate who represents that political party in a local election. Up until now, there has been no provision for this. So if Mr Polsinelli's riding or organization had a nomination meeting and he was chosen, there is absolutely nothing to prevent anybody else, any two or three other people from saying, "Yes, he is the Liberal candidate, but we have another Liberal candidate over here."

Now we need to put in place, if we are going to print it on the ballot, who is the legal Liberal candidate, the official candidate. There has to be some mechanism to recognize two things, I think: first, the right or the obligation of a legal entity, a local riding association, to actually choose the candidate; second, I guess, is the right of the local candidate to be affiliated in some way in advertising campaigns and brochures and all of that stuff that all the parties do centrally.

I think this is not an unreasonable way to proceed with that. I think it puts a tremendous obligation and influence on all the political parties to sort out whatever internal problems they might have.

In a sense, you are right. If the alternatives put to all the political parties, big and small, are: "If you want the party affiliation printed on the ballot, you had better sort out these internal problems prior to the filing of the nomination papers. If you do not, you lose the right to have that affiliation printed," I think that is about as good as we can get. I do not think we can do much more than that. I would appreciate a chance to see the wording printed up and think about it for a little while, but it seems to me the nub of the problem has been resolved by this accommodation.

Mr Sterling: There are a few things. Number one, with regard to your proposal, I would prefer to see some time frame after the closing nominations, be it 12 hours, be it 24 hours, whatever, because things can happen until that time and I think there should be some reaction time after that point in time for the leader of the party to say, "This is not our candidate." I know it may present a problem in, I predict, one out of 5,000 nominations, and you are having to have ballots reprinted in the future, but that is going to happen once in that period of time.

The Chairman: In the last number of years, it has happened, what, twice in the last 10 years?

Mr Sterling: It has never happened, I do not think.

The Chairman: But federally, Mr Stevens and Mr Jones.

Mr Sterling: But Mr Stevens would not have been in this situation.

The Chairman: That is right; Mr Jones.

Mr Sterling: Mr Jones, I am not sure how—

The Chairman: He ran as an independent.

Mr Sterling: That was resolved, as Mr Breaugh says, before you get there. Now if a—

Mr Furlong: Excuse me, but it was not. Mr Jones got the nomination, the Tory nomination. He was the official Tory candidate from the riding association. Then Mr Stanfield said, "I will not, as leader, have this man as a candidate because of his position." So at that stage, you have the riding president who is going to go in and say: "Here is our candidate. We went through the due process. There are rules and regulations. Mr Jones is our candidate."

Mr Stanfield then comes—because, I guess, the federal rules said it had to be accompanied by his certificate saying he was an acceptable candidate—and said no. So then they go back to the riding association. I am not sure whether they had another nomination meeting or what they did.

Mr Fleet: Somebody else was nominated.

Mr Furlong: But Mr Jones was duly nominated by proper process in Moncton.

Mr Sterling: If that was the case, then the Conservatives under this scenario would not get a candidate. But I say, tough nuts on a party that has a riding association that does not have a constitution, does not have an executive who is acting responsibly or whatever, and puts forward a candidate who is totally unacceptable to the leadership of the party. But that is not going to happen.

The Chairman: Mr Sterling, it happens. It happened with Mr MacLean. Mr MacLean was not acceptable to the people in Nova Scotia, but he was very acceptable to the people in his own constituency.

Mr Sterling: Mr MacLean can run as an independent.



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Mr Fleet: That was not the issue with Mr Jones. In the case of Jones, they complied with the constitution. Though I was not there, the impression I got from here was that, as they voted for him, they felt he had a legitimate point of view that was consistent with the party. It was the leader who disagreed. So they went through the process. They were not irresponsible as far as I can tell, although there may be a minority viewpoint.

Mr Sterling: I was bringing in the lack of responsibility in relation to your objections in terms of a president going in and not acting within the wishes of the association. Now, I believe that in those circumstances the president would be somewhat liable, in a legal sense, to be the subject of a suit for not following his executive and his riding association's wishes according to whatever constitution they have to nominate their candidate. If he put up a straw man or somebody else in place of the really duly nominated candidate, then he is going to be in some legal jeopardy.

Mr Fleet: It is not much of a remedy when the election is long over.

Mr Sterling: The party loses if it cannot get its act together in its riding association.

The Chairman: Ladies and gentlemen, I think what I would like to do is just hear very shortly from Mr Furlong, and then I think what we would like to do is defer this for another week or so. I do not think we are going to resolve it today. Mr Bailie would like to address us on the problem we have where people do not have a permanent residence and want to be voters. If we pursue this the way we are, we are not even going to get into that and we may not even resolve this today. Could we just sit on that for a week or maybe longer?

Mr Furlong: I guess this is the problem I have; I am looking at our own party's process and the way it is done. We all have constitutions, we follow those constitutions, candidates are elected, and if there are some problems with process there, then you have other rights you can use through the party and ultimately to a court. Once that process is done and if the requirement is that somebody has to sign a document saying, "It's okay for this candidate to have the Liberal name beside his name," then what strikes me is: What difference does it make whether it is the party leader?

Mike says there is a potential problem, because of time, in the party there. Maybe the party there is designated, maybe there are two or three people who are designated by the party or by the party leader who can do these things. So when you accompany your nomination papers—in fact, I was so anxious I appeared before the date I could file my nomination papers the last time—there is a period of time in which you can do this kind of stuff. It strikes me that you could take a situation where the party leader could maybe designate two or three people. What difference does it make? There is going to be a document to accompany that.

Mr Breaugh: It would make a lot of difference in my riding association.

Mr Sterling: There is a big difference.

Mr Breaugh: If you ask a riding association to hold a nomination meeting, if you come to a conclusion to elect officers to choose a candidate

and then you say that someone from outside of that circle can veto the decision, then you would certainly get an argument from my people.

Mr Furlong: Your leader may say, "Fine, my designates are going to be the riding presidents of every riding."

The Chairman: I think what we will do is just defer this until the next time we discuss this section. I am not sure whether that will be next week, the week after or three weeks from now, but until next time. That will give everybody a chance to rethink the whole thing and maybe we can come to some conclusion next time.

Mr Bailie, while we are talking about having that retyped, the clerk has reminded me that ultimately the legislative counsel should have an opportunity to look at it.

Mr Bailie: Yes, we are aware of it.

The Chairman: Maybe you could do that in the interim, because we have already concluded most of these things. Then when we do have it, it can go in without going to the legislative counsel for three or four weeks.

Mr Breaugh: And of course the political party leaders should have a right to veto the legislation.

The Chairman: Well, that is only if three of us are leaders.

Mr Bailie: The next item is the wording we are proposing to handle the situation Mr Polsinelli introduced, regarding someone who knowingly tries to confuse the electorate as to which party he represents.

So this is the "Misleading Party Designations." It is on the last page. Does everyone have that in front them? It begins: "Every candidate who, not being endorsed by a particular registered party, knowingly procures for publication, causes to be published or consents to the publication of any sign, leaflet, advertisement or other form of campaign literature using the name of a registered party to falsely claim, for the purposes of misleading electors, that he has been endorsed by that registered party is guilty of a corrupt practice and is liable to a fine of not more than \$5,000."

Mr Breaugh: It certainly satisfies me on the principle of the thing, but I do think Mr Polsinelli should have a chance to take a look at it.

The Chairman: It is a good point.

Mr Campbell: That was the understanding, and obviously we will be consulting with Mr Polsinelli and I will report back on his behalf, as he is not normally a member of this committee. If you would like him to be here to answer as to his feelings on this, we would certainly be able to arrange that.

The Chairman: Someone may want to contact him right now to see if he is around. I did not see him earlier.

Mr Campbell: He is not around. I anticipated that that might be the request, and he was not available after question period. I was not sure if this was coming up, but I did notify him that we were dealing with this issue.

Mr Chairman: Well, next time we discuss the Election Act maybe we can make sure he is here.



Mr Bailie: Next is the matter of adjusting the residence.

Mr Campbell: Before we go to that, there are a couple of items I would like to tick off here. This registered party only having one candidate; that it cannot do two. I just wondered if we could get concurrence on that one. These are minor points, subject to what we decide.

Mr Bailie: You mean they can have two registered candidates in a riding?

Mr Campbell: Subsection 27(9c) on page 4 says: "A registered party may endorse only one candidate in each electoral district." I just wanted to see what the other two parties felt about that. Obviously, if we decide on a procedure for having an official candidate, that there not be two—I wondered if there was concurrence. Thank you, Mr Chairman.

Mr Bailie: On the matter of adjusting the residence qualifications to what we believe would comply with the charter that every citizen of Ontario has a right to vote, now Mr Stewart is going to just read that to you.

Mr Stewart: The question of the homeless, at the top of page 2: This was discussed in detail at the last meeting. Five options were presented to the committee and the members who were present at the time seemed to indicate that the fifth option was the preferred one, subject to some redrafting.

As it appears now, you see it becomes rule 6 of residence, paragraph 1(1)(o)1:

"The residence of a person having no fixed address shall be determined by reference to all of the facts of the case including:

"(i) the place or places where he regularly sleeps;

"(ii) the place or places at which he stores his belongings, receives his mail, or takes his meals, or to which he returns regularly for any purpose;

"(iii) his last fixed address."

That is essentially the same form as the rule last time.

Mr Breaugh mentioned at the last meeting that he would like to see consideration of some wording that would indicate that the returning officer would have the final say. I would submit that that is effectively taken care of, because people with no fixed address will be added through revision. And subsection 21(5) requires that the returning officer shall be satisfied as to the bona fide qualifications of anyone before he is added, so I think that particular suggestion is covered without needing to add that to the rule of residence.

Mr Fleet: I am looking at the very first provision, where it talks about a penal institution. The rationale given there is that a penal institution is a temporary residence. That is the reason for allocating people who are in one of those at the time of an election back to the last electoral district they were residing in. I do not know how many of these got involved in the last election. I forget how they were handled, but if it is somebody sitting in there for 25 years it is hard for me to imagine that as a temporary location.

1650

Second, there are lots of people in this world who will drift from one place to another. They might get caught doing some crime and get imprisoned and transferred from one province to another, or they might be residents of one province and commit the crime in another province, and therefore they are not residents in any electoral district in a province.

So I ended up with a number of questions about that. I am not really in favour of having a situation where there are a whole bunch of polls where there are nothing but inmates. I can understand that is going to have a negative impact. I wonder if more thought may not be required to refine the wording to fit what you want, that we might want to deal with people in federal institutions differently than provincial, because we know federal inmates have two years-plus as a sentence. There may be a number of other distinctions; I am not trying to enunciate them all here. But to suggest that people with long sentences are not there on what seems like a virtually permanent basis seems to stretch the notion of temporary residence.

There is one other thing which I am not sure is necessary. There is a reference here, if a person is homeless, to having a kind of declaration that says, "I am a resident," and that they do not have a fixed address. Are you envisaging that in the actual affidavit it would say: "I am a resident of Ontario, but I have no fixed address. I sleep regularly at so and so, or I store my things at such and such a place." Would it be something that simple and straightforward? Is that the object?

Mr Bailie: That would be somewhat the form that the affidavit would take.

Mr Fleet: Okay. That satisfies my concern.

Mr Stewart: With regard to paragraph 1(1)(o)4, I understand your arguments. When this was gone over originally back in April, it was mentioned that this particular wording, just the one rule referred to, rule 4, was reached as a result of interministerial consultation between the election office, the Ministry of the Attorney General and the Ministry of Correctional Services. Whether it is good or bad, you cannot really withdraw from it at this time, at least on the part of the election office, although I appreciate your point, and the principle itself may or may not be acceptable to the committee.

Mr Furlong: This being the case, does that mean that jails are going to be subject to canvass by candidates?

Mr Fleet: You might have to go 2,000 miles to canvass one of these places.

Mr Furlong: But let's take a provincial jail. If most of your inmates are local, it might be a good place to go.

Mr Breaugh: I am going to pass on it, totally. You dug yourself in there. Just roll around.

There was one point that I wanted to note, though. I appreciate that this will be done by means of the return of the rolls, and the local returning officer will be, in a sense, making that decision. I do have a few qualms that we have not even made reference to here. I advocate that basically what is



being proposed here is the way we should go about it, but I am trying to acknowledge that there is some possibility for some unusual practices to evolve. I want it made clear that the local returning officer is the person who will adjudicate any disputes that might be involved.

If the chief electoral officer is content that that will be the case by means of returning the rolls, I have to accept that. But I do not want to hear the argument at some later date that the local returning officer, even though he was aware that busloads of people were rolled into some electoral districts somewhere, felt he could not do anything about that; that even though it was clearly illegal, clearly wrong, he had no power under the act to intervene. I just want to reinforce my cynical nature here. Tell me the local returning officer will be able to adjudicate a dispute of that nature and make an appropriate ruling by means of—What? How does he do that?

Mr Bailie: We discussed this concern of Mr Breaugh's in a meeting this morning. Subsection 7(8) of the act gives me certain authority to direct returning officers. I will just read that to you. We would of course approach something like this with very careful instructions and guidelines over and above what you see here in our instruction meetings with returning officers. They would be cautioned that if there is any indication of this type of thing in the revision process, as we already tell them, they are to get in touch with us right away.

Subsection 7(8) says, "A returning officer shall comply with any oral or written instructions received from the chief election officer." Should it be brought to my attention that something untoward appeared to be happening, I would then have to adjudicate it and give some instruction on how to handle it.

Mr Breaugh: Just remind them that they print every word you say in here.

Mr Sterling: Will the person who has no fixed address have to sign any kind of declaration in order to be registered?

Mr Bailie: An affidavit. That is what you proposed.

Mr Sterling: And the affidavit will say?

Mr Bailie: We have not drafted that.

Mr Sterling: My concern is, how do you know they are not going from one constituency to another? I do not think that is going to happen, but it is open to that happening.

Mr Bailie: We have already discussed this. How we would try to cover this off is in the wording of the affidavit the person would have to sign. It would say something to the effect of: "I have not registered at any other address. I have not at this time voted. I do not intend to vote in any other electoral district or polling division." We are going to make sure words to that effect are inserted.

The act gives the chief election officer the authority to draft all the forms to be used under the act, or to prescribe all the forms. We have talked about how we get some protection in this affidavit, as much as we can. Not that we have the feeling these people are going to do this, but we thought this question might come up. We discussed how we would, say, answer your question. That is how we are going to have that person give us his commitment

that he has not voted in the provincial election and does not intend to vote in any other electoral district other than the poll assigned to him, or something to that effect.

Mr Sterling: They do not have to show identity in any way, do they?

Mr Bailie: Because we are talking about the revision process, what is proposed here is that he—this is somebody who is not on the list. It says he must satisfy the returning officer. They would have to satisfy the returning officer in some way. If we were talking, as we were originally, about a dropin centre where they go to have their meals, somehow or other they have to be able to convince the returning officer. How we would likely do that in an area like this is to have a revision assistant with the delegated powers of a returning officer go there and, with the administrator, sit there for a day or two registering these people. They would be there as a confirmation. We would have to have some confirmation. A returning officer has this authority under any part of the revision process. The act says the returning officer must be satisfied.

Mr Sterling: Where do they vote in the final analysis? Do they vote in a poll or do they vote in a returning office?

Mr Bailie: If they were to come to the returning officer to be registered and if they were to arrive there to be revised on any of the days—there are nine days—in which there is a poll, they could actually vote there.

Mr Sterling: They could not vote in a poll somewhere else.

Mr Bailie: Oh yes, they could, because they would receive a certificate to vote. They could say, "Well, I have not quite made up my mind yet which party I want to vote for and I reserve the right to vote on election day."

1700

Mr Sterling: Yes, but they are not identified with poll 123?

Mr Bailie: Oh yes, they would be. We would identify them with a poll based on whether they say, "Well, I just sleep on a park bench, but I do have a bank account at the corner of Queen and Church." I was in the bank there one day and there was a baglady I used to see roaming around there quite often. She looked destitute. I was nearly going to run up and give her a donation two or three times. I got in this line, and she was up there. Lo and behold, she had four bankbooks. I do not know how much was in there, but she was talking to the teller who obviously knew her.

The point is, that lady may opt to use that as her address, so we would identify the address of the bank as the residence. There is a poll the bank would be in and that would be her poll. We would have put that right on the certificate to vote and she would be told where the polling place address was, but she would have the option to walk across the room and vote in the poll in the returning office.

The Chairman: You are actually thinking about having a commercial area as an address.



Mr Bailie: Yes, because it could be the Fred Victor Mission and so forth.

The Chairman: The thing you have to avoid, though, is the commercial location. The only person who could have that kind of location is someone who does not have another location. For instance, you would not want somebody who was working here to say all of a sudden that this is his address, rather than back in Oshawa or Waterloo or wherever, and that he was then going to be able to choose what his address was going to be.

Mr Stewart: The rule only applies to people who have no fixed address. If you have a fixed address, you cannot take advantage of it. Other than that, the commercial locations would be for the exceptional situations where that is the only or the best answer to the question, what is this person's most fixed and verifiable link to the community?. That is really, I submit, what all rules of residence are about.

In some cases, it might be a commercial location, but that would be in a case where there was no one place where a person lived and slept regularly, where there was no community centre where he was known and kept his belongings, received his mail, etc. It would be in a case where there was no other alternative, accepting the principle that every person must have some residence for electoral purposes. I am sure you could not get away with not paying your income tax by claiming you did not reside anywhere in Ontario. Obviously you do, and this sort of accepts the principle that it is the same for voting as it is for that.

Mr Bailie: In the last election, I had a young lady call me, and she said she was homeless. I said, "You would have to be able to substantiate that you have a connection with one poll or other." She seemed to be upset because I wanted her to give me some kind of address information. I said, "We are not trying to be difficult, but unless we can identify you with a certain poll, you cannot go to the poll to vote."

Somehow or other, I found out that she had a job. She said she sleeps in different places every night. She assured me she had a job. Of course, the act does not help her too much as it is presently written. "I said: "You have to be able to go to the returning officer and satisfy the returning officer in the locale. If you will give me the address of your employer, I can tell you what electoral district that is in and the actual street address of the returning office."

She decided not to do that. I got the feeling she was testing me, but I had to point out to her that as the act is written, she must satisfy the returning officer. The chief election officer could not deal with appeals like this from all over the province. Practically speaking, it could not be done.

Mr Fleet: I am supportive of the idea of having a clear provision to allow people who are homeless to vote. I think that would be useful.

I just want to clarify something that was kind of alluded to by Mr Sterling. The proposition for a person who is homeless would be that he would be able to walk up to the appropriate returning officer, satisfy him or her that he was homeless but resided legitimately within the riding, and sign an affidavit to that effect. He could then vote immediately because he could vote in the returning office that day, and walk out.

I agree; I do not think it is likely to happen in any numbers, but the danger would be that somebody could do that repeatedly, not in front of the same officer, obviously, but in different places. The enforcement mechanism is the documentary evidence, combined with somebody realizing what is going on, that presumably would be of at least some assistance to catch somebody if he were purporting to abuse the rights of voting.

Am I summing up pretty much what the objective is and the enforcement mechanism?

Mr Bailie: Yes. We had this concern too, which I guess is one of the reasons we did not propose in our original recommendations that there be provision for people without a residence to vote, but it was clearly the wish of the members of the committee, of all parties, that we come up with some wording. It is not perfect. We have the same concerns you have. We usually operate on the basis that the citizens of Ontario are reasonable people and hold the rules of elections in high regard, and we get very few disappointments. That is the premise we take.

We have come up with the wording as best we can. We have talked about how we might check and follow up on this. I found out that in Manitoba, where they have an affidavit to vote that you can sign in the poll, they do not have a very precise system of checking up on it later.

What I am going to propose in our procedure is that those affidavits would be put in a separate envelope, not sealed in with the documents in the envelope, and then on the day following election day or the day following whenever that person voted, we could start doing any cross-checking that seemed necessary. The affidavit would not be deposited in the ballot box, but would be kept and we would do just as we do now, where we have an original preliminary list of electors, we have additions to that list and the returning officer does cross-references with it.

With the affidavits, we would give you our assurance that we could take one further step, that with these names added by people who do not have a specific address, we could cross-reference it in other electoral districts too, because there are just not going to be that many people registered this way. We can give you our commitment that we will prepare a procedure such as that, that we will check it out.

Mr Sterling: If I had my druthers in doing this, and I think the goal is laudable in giving these people an opportunity to vote, I would insist that they have to vote at the returning office, that they do not vote in the poll. I would cast all the ballots in a special box and I would cross-reference immediately on a computer system. That would not allow a situation to nullify a whole election.

Mr Fleet: A special ballot box? Is that not a nice way of informing everybody how they voted?

Mr Sterling: Not if there is more than one voting. It is the same as an advance poll.

Mr Breaugh: That is what we do in an advance poll now.

Mr Sterling: Yes. In fact, I had an advance poll in which,



interestingly enough, because there was only one person who voted in the advance poll, I knew which way the person voted.

Mr Bailie: I would like to point out to Mr Fleet that this particular option was chosen as the most favourable by the committee last time, but we had considered the possibility of a procedure somewhat like Mr Sterling proposed. I do not know if you are aware of it, but in British Columbia you can go into a poll and if it is not your poll, you can still vote there. You go to a person, who is usually the co-ordinator of the poll, and he will give you a plain ballot. He will give you a book listing all the candidates in British Columbia and the electoral districts. He will give you a plain white envelope and slightly smaller buff-coloured envelope on which is printed a declaration.

1710

They have a registry of voters; you have to register and you have to sign an application to register. So what happens—I will just tell you quickly—is that you would mark the ballot, and you can put either the name of the candidate or the name of the party; you put it in the white envelope; you put it in the other envelope; and you sign the declaration, which would be like an affidavit. Those envelopes go from the polls to the chief election officer's office and then they are sent to the registrar of voters, because the returning officers in British Columbia do not make up the list. He would receive this envelope in which presumably there is a ballot. He would say, "Okay, Warren Bailie is registered in Markham electoral district." He would pull out the records and he would actually make a comparison of the signatures, say, "That looks bona fide."

Then he would open that envelope, presumably put it in a pile, drop that white envelope which presumably contains a ballot in a box over here and go on with the pile he had, and then all of those ballots would be sent to the returning officer to be counted. I gather it takes about 10 or 11 days for that to happen.

If you were concerned, we could actually mount a system like that. The difficulty is that we do not have the signature, as they do. Their system is pretty tight, because they have the signature, because they have registration.

Mr Campbell: I have two comments. If you are having an affidavit, I think the bold-print penalty for corrupt practices needs to be clearly identified. As a note of caution more than anything else, I am a little concerned if you leave it solely up to the returning officer, to make it what satisfies that person, because it will vary. I am wondering if there are some guidelines you can develop for that just so there is a bit of control over some who might not even agree with the principle of handling the homeless vote. I am sure that would not happen, but in case it did, that would be safeguarded. That is all I have.

The Chairman: Does everyone agreed to the proposed additions with regard to residence? Okay, so we will incorporate that in our proposal. That is all I have today.

Mr Stewart: I hate to give you this information—

The Chairman: Well, I hate to receive it.

Mr Stewart: To be fair to the committee, there are six areas, four

of them minor, where the wording in here is different from the wording members saw in April. It is suggested that you take a look at this wording.

The Chairman: Do you want to draw our attention to where these are?

Mr Stewart: Yes, I will. The first one is on page 1.

The Chairman: Of the first section?

Mr Stewart: Yes. It is rule 5. This deals with the question of temporary residence outside Ontario. The original wording said, "No person ceases to reside in Ontario solely by reason of temporary absence therefrom for a definite or indefinite period if he has the intention of returning to Ontario at the end of the period of absence."

There was some discussion among members of the committee that it was a good idea but perhaps too loose, perhaps too wide open. The chief election officer was not present at the time and some members thought it should be reconsidered. This is a revised wording but essentially the same principle. It says, "No person ceases to reside in Ontario solely by reason of temporary absence therefrom for a definite or indefinite period if he maintains throughout the whole period of absence the intention of being a permanent resident of Ontario and of returning to Ontario at the end of the period of absence."

The principle is that if someone is away from Ontario for six years in another province, it is not enough for him to say, "Well, I always intended to go back to Ontario some day." He must have maintained that intention of being a resident throughout that period and not done any acts inconsistent with that, like voting in the other province.

The Chairman: That is consistent with what we discussed.

Mr Stewart: Yes.

Mr Bailie: Just a little tighter wording.

The Chairman: Okay. No one has any problem with that? Next.

Mr Stewart: The next is at the bottom of page 2, subsection 6(1): employees serving or voting at an election. The principle, I believe, was approved by the committee, but for some reason there was no wording at that time. Simply, this extends the privilege of leave to returning officers and election clerks. At present, it only belongs to poll officials. As far as wording goes, it is simply a matter of adding those titles into the section.

Mr Breaugh: As I read these, and they are noted in the third column where there have been changes, I have no problem with any of this. But it is also on the basis that I note that legislative counsel will want to take a look at this before we have a final wording, and I really do not see any sense in quibbling over the changes that have been made here until we see a final draft of the clause by clause and we have a bill in front of us; then I think it would be appropriate. But as I read them, and they are noted where there have been—

Mr Bailie: You did not have any trouble with the changes?

Mr Breaugh: I have no difficulty with the changes as they are now



put, but I do want it on the record that we are anticipating. We are not dealing with a bill here this afternoon. This will go to legislative counsel, be redrafted once again and come back to us. So I just do not see any sense in having that argument now, when it is subject to revision once more.

Mr Stewart: Under that principle, there would only remain two areas to look at, that are a little more than mere wording. The first is on page 5. Mr Sterling asked to see wording that would incorporate the idea that returning officers would be required to consult with federal returning officers before redividing their electoral district. This simply shows that wording, which is fairly simple to add. It has never been discussed by the committee whether it wants to do it, but—

Mr Campbell: In the absence of Mr Sterling, I would ask, as we are dealing with one other proposal, that that be brought back in its form so that he could deal with it, the issue of who is a real candidate and who is not.

Mr Stewart: The final point then goes to page 30, the report to the Legislative Assembly. I was asked to consult with Mr Forsyth regarding wording to make sure it would achieve the intention of having chief election officers' reports referred automatically to the standing committee on the Legislative Assembly. At the same time, Mr Forsyth suggested putting in words reflecting a principle I believe the committee has approved before, that the chief election officer would be required to report within a certain period of time after each election; and then, in its turn, the committee would be required to make some kind of response within a certain period of time.

What has not been discussed, I do not believe, is the period of time involved. This wording suggests nine months for both periods. It may strike the committee as somewhat long, but the reason for it is that as far as the chief election officer is concerned, it is not simply a matter of: You have an election and you can sort of see what is wrong immediately and so you can report. If the suggestions are to be useful, it is felt that it is necessary to consult with the returning officers in each riding as personally as possible, as well as with political parties and people who have complaints and interest groups and so on. This is the suggestion, in any case.

The Chairman: Okay. I just want to draw to members' attention that next week we plan on having the Chairman of Management Board of Cabinet and Minister of Financial Institutions (Mr Elston) here at 3:30 pm until 4:30 pm with regard to the freedom-of-information and protection of individual privacy legislation. He has to leave at 4:30, so if we need more time with him we will have to reschedule him. Otherwise, we can make arrangements with regard to that whole matter.

Then, at 4:30 pm, we will have the Canadian parliamentary channel proposal, one that was postponed a few weeks ago and one we are supposed to have.

Then, the following week, we hope to have the Ontario parliamentary satellite transponder discussion with regard to Rotel. Some of you have received communication on that; then, at 4:30 pm that day, the election laws and process with regard to the proposal by a particular group, an Indian band that wanted to appear before the committee. The earliest we can schedule them is for two weeks from today, so we will have them at 4:30 pm on that day. That will be part of the Election Act.

Then, Mr Bailie, we could have you back three weeks from today. You will

be here, I am sure, two weeks from today to hear that presentation, but three weeks from today we can get back into discussion, unless something else comes up at that time that is of greater importance than the Election Act.

Mr Bailie: What I propose to do, then, is that Mr Stewart and I will meet with Mr Revell and get him working on going over those wordings. Hopefully, if we are fortunate, we will have those in two weeks or even a little before two weeks from today so you can study them before the meeting.

Mr Fleet: I am at some disadvantage, because I am not a regular member of the committee. There are a couple of points I would like to draw to the attention of Mr Bailie, primarily, which the committee would presumably consider or might consider at a future date.

I mentioned one earlier, and that was the withdrawal of a candidate and whether that presented problems. I am not asking for an answer now and I may not be here when you come back, but it might be something that is worth some consideration.

A second item is the business of a recount concerning Mr Bevilacqua and Mr O'Brien, who took turns being the member of Parliament for York North federally, and some of the implications that has. I did not notice in these proposed changes anything that would assist in avoiding that kind of recount problem, where a judge took a particularly odd interpretation of how the act ought to be used in a recount. But there are a lot of similarities in the kinds of problems that might be encountered.

The third area was in a provision, as I read through this, on page 14. It is a proposal that deals with notice of enumeration going out to electors and alternative methods. I am at a bit of a disadvantage, because there is only a part of the relevant section before us on this document. It uses the words, "delivered to each elector." I was very surprised at that, because that purports to be personal delivery into the hands of the elector. I am wondering if you would be intending to deliver it to the residence or to another person who resides there or something a little broader. That is something you might want to take up with legislative counsel. I do not have the rest of the section in front of me so I am not entirely sure if that is a valid concern on my part, but that was something that struck me as odd as I read through these reforms.

I realize the committee members have other things they want to go to, but I did want to raise those concerns. Perhaps you can be of assistance to the committee next time on those issues.

Mr Bailie: I will prepare an answer.

The Chairman: Very good. Thank you very much.

The committee adjourned at 1723.



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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY  
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY  
CANADIAN PARLIAMENTARY CHANNEL

WEDNESDAY, 14 JUNE 1989



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Clerk: Deller, Deborah

Staff:

Yeager, Lewis, Research Officer, Legislative Research Service

Witnesses:

From the Management Board of Cabinet:

Elston, Hon. Murray J., Chairman of the Management Board of Cabinet and  
Minister of Financial Institutions (Bruce L)

McCann, Steve, Manager, Policy and Planning, Freedom of Information and  
Privacy Branch

White, Frank, Director, Freedom of Information and Privacy Branch

From Rogers Communications Inc:

Lind, Philip B., Senior Vice-President

Wilson, Martha, Ottawa Bureau Chief

From the Office of the Assembly:

Somerville, Bill, Acting Director, Information Services Branch



LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, 14 June 1989

The committee met at 1536 in room 151.

The Chairman: We have with us the Chairman of the Management Board of Cabinet (Mr Elston). In addition to that, we have the issue of the Canadian Parliamentary Channel proposal, which we will be dealing with immediately after we are finished with the first item.

I would like very much to finish by no later than 5:30, since some of us have to get away at 1730 for another meeting. The other thing is that the minister can be with us only, at a maximum, to 1630 and would like very much to get away before that if he could. So if the thing is going to be prolonged at some length today, we will reschedule the minister for another time. I see no real reason why it should be prolonged, but then again we cannot always anticipate all matters.

Mr Elston, would you please introduce the people with you, and then you may have a short statement you would like to make regarding the act and you might then go from there.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Hon Mr Elston: Thank you. Frank White is the director of the freedom of information and privacy branch, and he will probably have a little bit of information for you. Steve McCann is our legal wizard on this. He has followed the development of this act for a long time. We will rely on both these gentlemen for anything that gets extra technical, in terms of language or otherwise.

In terms of an opening statement, I do not think there is much that I can add to the report we have made to you. The report is obviously a result of an undertaking that I had given earlier that we would do a lot of background work to deal with the issues of confidentiality which are to be addressed by this committee under your mandate through the legislation. We felt it would be of some help for us to do at least this preliminary piece of work so that you could take a look at it and raise any questions that you have prior to our introducing legislation that is required under the act.

The Chairman: For the benefit of the members, under section 67 of the act, our mandate is given us, so if you have any questions, look at section 67. It is also referred to in the report on the confidentiality provisions.

Hon Mr Elston: I appreciate that extra bit of information.

The material that you have in front of you by way of the report is in compliance with that. In a sense, I guess the act did not tell us we had to do it, but I thought that it was a fair and reasonable manner in which to process all the work that had to be done and we hope it is of assistance.

Notwithstanding the appendices that are attached hereto, there are issues that no doubt will come to light as discussions go on about this. If there are some things that you may or may not know about during examination of

this material that you would like us to be giving you detailed briefings on, or otherwise, both Frank and Steve are quite available, as are other staff members. If there are determinations that you want to have some assistance with, certainly I am available, sort of on a reasonable notice schedule.

The Chairman: Thank you. Do members have any questions at this particular time? Mr Breaugh?

Mr Breaugh: It might be useful to do a couple of general questions to get started.

As I have followed the proceedings, one of the things that I do find a little disturbing is arguments that were held during the processing of the bill itself.

Let me be specific. In the course of the deliberations on the bill, it was brought forward that in several American jurisdictions prisoners, for example, had requested blueprints for prisons. We were given assurances up, down and sideways by the minister carrying the bill that this could not possibly happen under this legislation. We debated this matter at some length and we all left feeling assured that stupid things like that could not happen. Could someone give us a quick explanation as to why stupid things like that did happen?

Hon Mr Elston: Although I cannot talk to all of the other ministries' activities, it is our view, having looked into the matter, that there should have been more discretion exercised, that somehow people did not take note of the origin of the request. The idea of the diagrams and otherwise being available publicly is sort of clear because they are part of the public documents in the sense that their tenders require them, and I think people probably just did not make a connection about how the detail made available in the drawings might be in some way a problem for security. We think it was one of those circumstances that, happily, did not cause security difficulties but that pointed out how people should be much clearer in their analysis of who is requesting.

I cannot give you any more detail on that, except to say that if we were to put in another provision, I do not think it would assist us much more if people are not able to determine the origin or the address, I guess in this case, of the person asking for the detail. I do not not think it is a problem that can be clarified or prevented by putting another section in the act, for instance.

Mr Breaugh: Okay. I consider that to be a very reasonable and sensible answer. What I am anticipating is that in general we are going to run across a number of occasions where, because this is the first time the act has been implemented, some dumb things are going to happen. As long as everybody involved recognizes that "Oops, we made a few errors along the way and we're going to correct them and we don't have to rewrite the act in order to do that all the time," I think we are in reasonable shape.

Let me bring a couple of other things to light here. We have had some discussion—and Mr Sterling is not with us because he is upstairs participating in another debate—and it is a little sticky, I admit, about the matter of members of the assembly being offered rather substantial bills for information which some of would argue that previously, without a freedom-of-information act, we would have got.



We have had some informal discussions with the commissioner, and he is not quite clear that the act allows him to make exemptions like that. But I recall the debates very clearly, and the purpose of the exercise was not to shut down the information flow. It was to regulate that. It was to provide clearer guidelines on what should or should not be available to people.

Is it, in your view, necessary that we rewrite the act? I should not speak for everybody on the committee, but I think it is not unfair to say that there was no one during the course of the committee deliberations of the bill who envisaged the notion that a member of this assembly who applied for information under this act would be charged for it where he previously would not have been, or denied the information where he previously would not have been.

Hon Mr Elston: I think the issue is one of balance, however. As a minister in a department, not many people come to Management Board of Cabinet, for instance, for specific information, but in the Ministry of Financial Institutions there is a lot of activity going on in sort of a public information sphere, if you know what I mean. I find it very difficult to balance the request by a member, for instance, that might take up a ton of time in one of the ministries.

Previously, under questions in Orders and Notices, the reply could go back, "We don't have the information," "It's too detailed" or whatever, but we do our best to provide the information. I was on the requesting end of that stuff. The order paper question roll is still obviously quite open. That avenue of access to information is quite available without charge, even though the cost can be quite considerable.

Then you go to the Freedom of Information and Protection of Privacy Act, which sets up a standard procedure for asking. You get two hours of free work, and then you get an opportunity to say to a person, if the work to get the information is going to go on for a long time, "Here is an estimate of what it's going to take." Bearing in mind that a ministry does not have unlimited resources to deal with the request of one particular member, you have to put a balance in place somewhere so that a person does not end up spending all his time looking for information for any member of the Legislative Assembly.

I know what you are saying, that somehow they are precluded. But in fact I think the information act actually enhances and adds to the avenues available.

I know Mr Sterling has raised the issue. He raised the number of about \$6,000, I think I saw in one article, that he stated he has been billed. I do not know—because I did not pursue it—whether or not all of those charges have been levied against him, whether or not any of them have been forgiven or whatever. That is a large sum of money. It obviously corresponds to a lot of photocopying and time spent researching by individual people. In addition to that bill for \$6,000, I presume he is getting the first two hours free and getting some other questions that he has investigated answered without charge.

So, the question becomes, how far do you go in the information system? How far do you go in allowing the costs to be borne by individual members' assistants? For example, the member has people who do research for him or her. Just speaking very personally from a minister's point of view, I do not want to turn my department into a research adjunct to any member. I do not mind its being done if there is somebody who is willing to help defray the costs.



Mr Breaugh: One of the things that bothers me is that I am caught here in a bit of a difficult situation. For example, it has been suggested to me: "Why don't we allocate a budgetary allowance to each of the members? They will pay out of that budgetary allowance whatever the commission wants." This is perhaps a bit perverse, but as I see that, first, we pay the people to collect the information, then we pay somebody over here to put in the request, then we allocate an amount to pay for the request, then we administer all of that. What probably cost \$1,000 to gather up as information winds up costing us \$6,000. I really have a distaste for that kind of stuff.

1550

Now I appreciate that some balance, some adjudication process, may be appropriate here. It may be appropriate that we provide some mechanism where a group of his peers determines whether or not a member's request is appropriate. It may be that we allocate some set amount of money to a central research facility whereby you could get that, but I do think there must be some solution to this. I appreciate the fact that I do not think this minister or any other is in business particularly to have everybody on the ministry staff do what I want him to do for the next six weeks. I think that is understandable. I also think Mr Sterling has a valid point: that he thought he had a vehicle under this legislation whereby he could get information. There seems to be no real difficulty in getting the information. The problem is, who will pay for the gathering of the information?

The other difficulty that I see in this is simply this: I might send someone from my huge staff of four people to go and do something. I would probably say, "I have no money for expenses in my budget. You cannot hire a computer on my budget. You have to use what we have. I want you to go and spend an hour and look through the archives and see what you can dig up." In other words, I control what is done; who does it; who gets hired; how much additional expense is there. That is all under my control. At the end of the year the Speaker, bless his heart, publishes this wonderful report which says how this member of the assembly spent his allocation of money. I am quite content to do that.

I am leery of simply asking the question and then letting someone else, who might do this in an entirely different way—it has often been the case here where I have had a written question in Orders and Notices. I wanted to know whether it was raining outside, so to speak. Somebody provided me with a complete climate examination of the immediate world for the next 20 years. It was more than I ever wanted, probably done at great public expense and probably did not tell me whether it was raining outside that day or not. So I think the controls have to go on both sides.

I would prefer, actually, to have the minister turn his mind to how we might deal with something like this other than simply change the law and let the great mechanisms flow. Because if we do that, I do not think any of us are going to be particularly happy with the result and I think the expenditure will not be very cost-effective, as some folks would say. There has to be a better way to do this.

Hon Mr Elston: Listen, I will check into—

The Chairman: I am going to let the minister reply, but what I would like to do is draw our attention to the fact that we want to work at some kind of organization where we are going to get the various bills presented in the future or how we want to go about it in the organization rather than directing our concerns today to specific problems or beefs that we have.

Hon Mr Elston: I appreciate their ongoing concerns. I am prepared to go on and talk about the more general difficulties or concerns, but I would like people to understand, then, that I would accept that you do not have any question in the confidentiality. One point that is important for Mr Breaugh to know is that we can keep costs relatively contained or at least lower. For instance, some of your people out of the party office go and examine the originals. They actually sit in rather than asking for photocopies. That is good stuff. But at the same time, if people are going to say, "Tell me about the weather on 10 June," and they do not tell us whether they want it in Kenora, Cornwall or Windsor, but say, "I want to know the weather in Ontario on 10 June," then we are going to have to give them photocopies of all the weather reports. They have to be specific.

I fully agree that we can try and manage that the best we can. We will try and take a commonsense approach. That has been the role of both Frank and Steve in directing the co-ordinators out of each of the other ministries in answering requests for information. We have tried to say: "Listen, use your heads. Be understanding; try and take a commonsense approach to answering the questions." We will strive to do that and I take your point that we do not always amend the bill whenever there is a glitch.

For instance, we will try and do a full report, I guess, if the committee would like, on Mr Sterling's requests on the billings and the exemptions he has received so that you will understand the context. I am quite prepared to do that. I am not sure how we do it, because I do not know if we keep everybody's names on file, but we will do the best we can just as a case study, not to try to incriminate or do anything with the member. I do not mean it to be seen in that light. But we will take an examination of requests and perhaps for the purposes of this committee it would be elucidating actually to take a profile of the types of requests that are going on and how they have been addressed.

With the exception of Mr Sterling's, I think I have not had the issue raised as its having been a big cost issue. It may be that Mr Sterling just happens to be the one who is publicly reported and that may be fair. But let me undertake an examination of that and some time in the future if I can, file a report to you so that it may be understandable within a context to see how serious the problem is or is not.

Mr Breaugh: Okay. In conclusion, I am rather pleased with the approach the minister is taking and I think we can now turn our minds to the report he has provided with this. I think it would be useful, whether you want to do it today or not, to go through that with his staff, because I think that is a reasonable blueprint on how you might implement some of these changes.

I think it goes in some measure toward the difficulty we struggled with initially about how we take every statute in Ontario and make this act apply to them. It seems to me he has offered us a framework here and I would be happy to work with that. I doubt that you want to begin that process today, but I do think that is a useful guideline for us to use as we go through this. Perhaps if we do this in a general format such as is laid out here, we might save ourselves a great pile of work later on.

Hon Mr Elston: I think that is a reasonable situation. I do not know whether you need the benefit of our offices as well, so you can actually have volumes stacked up around a table as opposed to being in the formal committee room, if you know what I mean.



It may be of interest to be able to strike a working group to come and sit with our people at Management Board just so you do not have to be in the formal structure, then ask your committee to report back on the degree of satisfaction or dissatisfaction with the framework and maybe highlight some of the issues it has found with the assistance of staff, with my presence or whatever.

I just think this was designed to be a commonsense approach to dealing with the requirement that this committee go on to deal with confidentiality, and we can put that together. I am quite happy to make my staff available and then look into my own availability. In terms of my time, I am making their appointments for them now. I know they will all love me for it. But we should do whatever we can to advance this in an efficient and understanding manner, so that when the bill comes we can just talk about the areas in which there may be disagreements.

Invariably there will be different manners and different points of view on addressing the additional areas of concern that may be brought to our attention by any particular people. For instance, I have received some correspondence that relates to the issue of how notes of officers on tribunals will be handled. Although technically they are not confidentiality provisions, it does get partway to it. It is not a pure issue for this, but it is an issue the committee ought to be concerned with, as we are concerned with it. I think we should do that.

If you could strike a working committee, it seems to me to be less formal, and if you wanted it all reported for Hansard purposes, I guess it would not be too helpful. But if you are willing to do that, then I am certainly willing to make an informal working group available to assist.

The Chairman: It might be helpful to have the steering committee do that.

Mr Breaugh: I was just going to suggest that. Whether it is the steering committee or one from each caucus, it seems to me that is the only way to get this into a size that is manageable. If the rest of the committee thinks it is a reasonable way to proceed, it seems to me that a steering committee could be set up to work with ministry staff, make a report to the committee and we could proceed from there. Perhaps it is the kind of thing you want to think about for a while, but it seems to me that you have to get this in hand somehow and it strikes me that that is about the only way one could actually conceivably do that.

1600

Hon Mr Elston: I think the report itself does provide at least a hand for addressing the issues. I think the committee has a mandate to satisfy itself in many ways with the adequacy of the report and that is what should be done now. We are certainly quite in your hands as to how we do it.

Mr Breaugh: The only other thing I want to put on the table today is that I feel an obligation to provide a vehicle whereby any member of the assembly who has a bone to pick with any of this still retains the opportunity to do that. It seems to me that if we strike a subcommittee, we can satisfy our own needs and get some kind of grasp on it as long as that subcommittee reports to the full committee and the committee then tables a report to the assembly. No one can say, "We didn't know the gun was loaded." They will all at least see where the gun is pointed.



Hon Mr Elston: If I might, no matter how that subcommittee's work would be undertaken, because this bill would be introduced by myself, there is no question that the committee process would again be available for clause-by-clause examination. It would be presumptuous of all of us to think that the Legislative Assembly would necessarily say that as this bill looks like something that was recommended by the committee, no member need be too concerned by it.

Certainly that is understood, but we want as far as possible to be doing the same thing or expressing the same thing in a different manner. We want to isolate the issues which are for us going to be difficult as legislators to handle, and get out of the way, as it were, a number of the areas that seem fairly evident and do not cause us problems. I think it is an efficient way to do business and I think it can work here.

The Chairman: Would you see yourself introducing the act first?

Hon Mr Elston: No. I would think you would be doing this work and then making some suggestions with respect to where the areas are and how they might be dealt with or otherwise. I do not know exactly how to handle this. This is the first time I have actually done legislation like this.

The Chairman: I think this is new for all of us.

Mr Breaugh: I think the trick basically is to organize the argument so that it is at least succinct. There are going to be places where we disagree and we want to preserve the occasions to do that, but it would be nice if it were a reasonably rational process and at least an organized argument.

Hon Mr Elston: I think it will be. In fact, the bill has to come in, but I was not preparing the bill to come in until after I heard from the committee with respect to the report. I think that would be counterproductive. It was not what I had intended at all, but I am in your hands if you want me to do it that way.

Mr Breaugh: I do not want to preclude any debate on this, but at some point this afternoon would it be useful to simply refer this report to the steering committee and have them come back with a recommendation that the whole committee can consider, maybe next week or the week after?

The Chairman: That would definitely be a possibility. I have no objection to that.

Mr J. M. Johnson: That suggestion would be fine.

The Chairman: Do you have a question or two on this?

Mr J. M. Johnson: I am quite interested in this case study being done on Mr Sterling. Will that case study that you are conducting on Mr Sterling be available to all of us?

Hon Mr Elston: It is for the committee. I am doing it for no other reason. I will let you know what is happening.

Mr J. M. Johnson: Mr Sterling will be on the steering committee, so it will give you lots of time to observe him and study him.

Hon Mr Elston: I have observed Norm now for almost nine years and he is an interesting case study.

Mr J. M. Johnson: I would like to make just one point. I find it frustrating with respect to the Freedom of Information and Protection of Privacy Act that some of the people in the ministers' offices seem to hide behind it, because they are afraid of releasing something they should not. The opposite happened with a prisoner who wanted an escape route. It works both ways.

My assistant has requested information that is a public document just to make sure that both the release and the ministry people were saying the same thing. Quite often she has been told, "That would require following the procedure of the freedom of information act." It is really overkill. It is not anything that gets costly. It is simply a matter of confirming what was indeed released; whether it is factual or whether it is not. In that case you find that it definitely is not.

I think that when you instruct them that they should release some types of information, they should also be instructed that there is lots of information that could be released quite simply by reply to a phone conversation.

Hon Mr Elston: Yes. I have always tried, with my cabinet colleagues, to indicate that they are supposed to be doing it in a commonsense fashion. I think that has been clearly the instruction when we have been helping to train the co-ordinators and otherwise. From time to time, there may be some glitches. I like to know about the situations personally where there are ongoing problems. Sometimes the person is sensitive to the issue of information because people can get into real trouble if they give away things they may feel are personal or have some indication are personal.

I cannot comment on your particular situation, but the balance we have in this act requires the use of a considerable bit of discretion by people to make sure they do not violate somebody's privacy. Although I think your situation does not require that privacy debate, I think people in the first days are always going to be careful, because they want to be sure they do not get dragged in front of the Legislative Assembly as saying: "Why did you release X, because that tells us about Mr or Mrs Whomever?"

It has been a careful thing. There may be some glitches, but I think it gets smoother, and as our people become more experienced, I think it will become even smoother. That is not to say that we cannot be embarrassed from time to time about small concerns that become big issues.

The Chairman: If there are no further questions—Mr Elston, do you have a comment?

Hon Mr Elston: Just to say that if you want a capsule comment on subcomponents of this, perhaps Frank and Steve—Again, I am certainly in your hands. I do not want to force anything on you.

The Chairman: I think that might be helpful for the members. The other thing is that we could excuse you, you could leave, and we could get the two gentlemen to make some capsule comments on it. Then the whole thing will go to the steering committee and we will get back to you on what we have recommended to this committee.



Hon Mr Elston: Again, with reasonable notice, I am quite available. As well, as this committee obviously has been singled out in the legislation to have an ongoing involvement with the legislation, you might consider from time to time, or if you happen to hear about problems that go unaddressed, I would like to suggest that you contact me. I am quite prepared to come back here and try to wrestle with some of those things and you may have some suggestions. I am certainly fully available for this committee's direction in those areas, particularly as it deals with cost and other things.

I appreciate the time you have given me now to go off to my next destination. Thank you.

The Chairman: Thank you, Mr. Elston. Mr White and Mr McCann, do you want to proceed? We will take about 10 or 15 minutes for this, if we can.

Mr McCann: What I thought I could do that might be useful is just to introduce the report and draw your attention to the various parts of it so that at least it will be a little easier for you to read and consider. It begins with an executive summary which is on page 3, which is just a rapid view of the contents.

The real text of the report starts on page 4, but what I would like to draw your attention to at the beginning is that if you turn through the report to page 18, you will find an inventory of existing confidentiality provisions. These are the provisions which, in our view, after considerable research, are confidentiality provisions within the meaning of section 67 of the act; that is, they would require that records not be disclosed pursuant to a request under the act. There is a quite a number of them; it goes from page 18 to 23. That is, if you like, the sort of raw material we were working from.

1610

Appendix B, which is on page 24, is significant, because that, as the minister mentioned, is a draft of legislation which we would propose at some point be introduced in the House after this committee's considerations. You will notice that it is quite short; the fact is that we are not proposing in very many cases that an existing confidentiality provision override the Freedom of Information and Protection of Privacy Act.

Maybe that is the essential message we should convey, that there is a relatively small number of cases where we are providing that another act should take precedence, if I can put it that way, over the Freedom of Information and Protection of Privacy Act. That is really what is reflected in the text of this report.

We tried to set out some guidelines and criteria by which it can be determined that certain provisions should override the freedom-of-information act. What we have come up with are really a few fairly strong interests in confidentiality such as, for example, adoption records, income tax and other tax return information, and a few other cases, information relating to child abuse proceedings, where the requirement for confidentiality in an existing statutory provision is so strong that in our minister's view it should override the Freedom of Information and Protection of Privacy Act.

But in most of the other cases where we are talking about the routine administrative duties of civil servants conducting inspections, investigations

or other types of activities, the confidentiality provision would not override the act, so whatever information is involved would be accessible to the public subject only to the exemption in the Freedom of Information and Protection of Privacy Act.

That, in a somewhat complicated nutshell, is what is in the report. The text, as I guess is obvious, is from pages 4 to 17, which really attempts to lay out what we did in terms of research, which definition of "confidentiality provision" we worked with, which, you will notice on page 7, has had some support from the Information and Privacy Commissioner, Mr Linden, in terms of the orders he has issued.

Then we attempt to set out some principles and to make some recommendations which are picked up in the draft legislation. I should point out that we have had some discussion with Mr Linden's office about this report, and I think it is fair to say that he is generally supportive of the thrust of it.

One point that should be made is that we are talking about provisions that affect the whole of government, so there is potentially a rather wide subject matter that could be dealt with here, but certainly we are open to any questions the committee might want to pose about particular provisions and their operation. If we do not ourselves know the information, we can get it from our colleagues in other ministries. We are certainly here to assist the committee in coming to grips with this.

That is an overview. If there are any questions or anything we can do to be of further assistance, we would be happy to do it.

The Chairman: I appreciate all the work you and your colleagues have done, Mr McCann. It is quite voluminous. There must be about 100 acts you have gone through and singled out, in that general neighbourhood; I have not counted them. That is a great deal of work and I appreciate that.

— Do members have questions? If not, we will leave it to the steering committee to come back to the committee and make recommendations to deal with this in the next stage.

Mr McCann: Could I make one more comment? I am sorry to butt in. We should keep in the back of our minds somewhere that the operative date in section 67 is 1 January 1990. Our hopeful timetable is that we will have the legislation in the House and enacted before 1 January 1990 in order to avoid legal conflict problems that could otherwise come up afterwards. That is just a timing question I forgot to mention.

The Chairman: Mr McCann, subject to the committee's wishes, I would think the steering committee could come back with a recommendation within the next week or two on this. I am not sure how much time would be left prior to the House recessing for the summer, but during the summer months, whenever those summer months come, whether they are in the traditional July, August, September or whether this year the summer months come in December, January and February or whenever, as far as the recess is concerned, I would hope that within July, August and September we could get together and go through those acts and come back; then early in the fall you could bring in your act and deal with it this fall so it would be ready for 1 January 1990. That is the way I see things. That would meet with your timetable. Hopefully, we could get it through the House in the fall.



Mr White: We will be available at the convenience of the committee over the next few months.

The Chairman: That is very helpful. There not being any further questions, thank you very much, Mr White and Mr McCann. We will get back to you.

Members, we have another item. We are going to have a five-minute recess, at which time we will come back and deal with the Canadian Parliamentary Channel proposal.

The committee recessed at 1615.

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#### CANADIAN PARLIAMENTARY CHANNEL

The Chairman: The second item on our agenda this afternoon is the Canadian Parliamentary Channel proposal by Rogers Communications Inc and CBC. We have with us Philip Lind, the senior vice-president of Rogers, and Martha Wilson, the Ottawa bureau chief. They are here to make some short statements and then answer questions which members might have regarding this proposal.

Mr Lind: My name is Phil Lind and with me is Martha Wilson. We are here today representing the Canadian cable television industry. Although we are associated with Rogers, we are representing the industry at large.

The Canadian cable television industry and the CBC have jointly applied to the Canadian Radio-television and Telecommunications Commission for a licence to operate a new specialty service which will replace and enhance the current coverage of the House of Commons in Ottawa. The House of Commons service is licensed currently to the CBC but the feed is provided, as it is in this case, by the House itself.

The new service, called CPaC, for Canadian Parliamentary Channel, will be bilingual and will provide Canadians with 24-hour uneditorialized programming of the democratic process in action. The centrepiece of this service will continue to be coverage from the House of Commons or anything originating from the House of Commons.

Augmenting that will be a range of programming including coverage of forums, conventions and conferences of national significance, and of course excerpts of provincial legislatures; for example, speeches from the throne, budget speeches or debates of national importance such as the free trade debate of last year.

We see this enhanced service as a bold and exciting means whereby the Canadian public can participate in the national democratic debate. More than that, we see this as a unique opportunity to foster greater regional understanding, and that is why we are here.

Based on the cable industry's experience in producing programming of the kind that will be seen on this channel in addition to the House of Commons coverage, we are convinced that Canadians have an abiding interest in how they are governed, how the parliamentary process operates and what impact it has on their lives.

In a political environment as dynamic and diverse as ours in Canada, it

becomes more and more important for us to find vehicles for communicating differing points of view in an objective and unbiased manner. We believe CPaC will provide such a vehicle and that inclusion in our program schedule of excerpts of legislative assemblies across the country will do much to enhance Canadians' understanding of one another.

We are here today to seek permission from your Legislature to broadcast excerpts of the Ontario Legislature on the CPaC service. To date, six provincial and territorial legislatures—Quebec, New Brunswick, British Columbia, Saskatchewan, Alberta and the Northwest Territories—have granted permission for CPaC to use excerpts of their proceedings. Of the remaining six, Manitoba and Prince Edward Island have expressed keen interest. We are waiting for their permission and we are in the process of discussing this service with the other provinces, including Ontario.

With your indulgence, we have a brief video which highlights not only the additional programming that would be seen, but also Canadians' desire to see it, the rationale behind our thinking for the application. Following that, we would be happy to answer any of your questions.

The Chairman: We will view the tape and then have questions.

[Video presentation]

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Mr Lind: Just to summarize, the essence of the proposal we are going before the CRTC with is that we take programming from the House of Commons and we take certain programming from provincial legislatures, important programming, and we take programming which is unedited from forums and speeches and conferences and conventions that are occurring across the country, which in many cases are already being televised by the local cable company or a local broadcaster but not shown anywhere else; for example, the Dubin inquiry here is going across Ontario, but no one else has a chance to see it because it is not being uplinked. Those are the kinds of things we will package in a 24-hour service.

What we are here today for is to ask your permission to join the list of legislatures that have already said to us that we can use some of the material that exists on the channel herein Ontario. Thank you.

The Chairman: Mr Lind, I am sure there are other people who have questions, but there are two or three things you might address before we get into some of the other questions. The CRTC is supposed to have a hearing on 27 June, is that correct? How do we dovetail into that?

Mr Lind: Let me bring you up to date on that. There was a hearing scheduled for the end of this month, but prior to that, originally—Going back, the commission has been very interested to know the disposition of the House of Commons. The Speaker and his group recommended to the government that another body make a recommendation, the House leaders caucused and they sent it to a committee called the standing committee on elections and privileges. They were to have reported by the end of last month. They have just advised us and the CRTC that they need another six months to provide themselves with the opportunity for further study, so they will not report back to the House before some time in December.

At that time, when they issue the report, the process can start again and we are hoping to go to a February hearing with the CRTC.



The Chairman: Okay. Do other members have questions? I know Mr Breaugh had his hand up.

Mr Breaugh: I am enthused about the idea. The concept is something the country needs. One of the problems we have in this nation is that it is a big place and it is very easy, as you sit at home and watch the television set, to get inundated with more information than you ever wanted to hear about everything else in the world, but it is often very difficult to get the kind of information you want about your own country.

For example, one of the things I enjoy in my community is that the local cable company does provide a cable feed when there is an election in the Yukon, which not everybody does. I do not know whether I am a junkie of this kind of stuff—

Mr Campbell: You only enjoyed that because your party won.

Mr Breaugh: I enjoy that; I like that kind of stuff. I probably watch the cable network programming as much as I watch anything else. I really am enthused about the notion that we would have a broadcasting process similar to what I have now in my living room with CNN. I am enthused about the notion that from my living room I can see parliaments all over Canada and all over the world doing what parliaments do. I have an interest in that, so I like the idea.

We have always held in this chamber that the broadcasting we do is for public consumption once it goes on air and that the public has a right to use it. Other jurisdictions have not quite taken that. The only proviso I would put on this is that we have also made it clear that we do not like people who edit the material, who present it in a way in which it did not actually happen. That has occurred once or twice, but a gentle reminder in an informal way has often brought people back to the point where at least they acknowledge where they got the footage they are using and they acknowledge that perhaps they did editorialize in a way.

I do not mean that someone came on afterwards and said, "This is really stupid." It usually happens in an editing room somewhere, where somebody puts together tonight's news and is a little lazy and does not want to get this afternoon's feed, so he or she uses yesterday afternoon's feed, and somebody does a voice-over; it is not dramatically wrong, but it is not the truth, either. I am a little concerned that people will get carried away.

From my point of view, I would be happy to endorse the notion and I hope the committee would. The only caveat I would like to put on it is that I would like to see you explore some notion whereby Mr Somerville or the committee or someone like that could operate in somewhat of an advisory capacity.

I do not want any kind of veto power over what you do. But what if, for example, members are unhappy with what they see on CPaC? We have always said that one of the fundamental items of what we do here is that if they do not like what they saw on our parliamentary channel, they can talk to any member of this committee and we will raise with the committee concerns about the type of shot that was used or the way the broadcast was carried or the camera angle or whatever their problem is.

We have found that that has been a useful exercise for us, to provide a vehicle whereby members can voice an opinion, raise an objection and say nice things about our own broadcast system. I would like to see if you could work

into the proposal in its final form something like a simple advisory committee of people who are doing this broadcasting from each of the legislatures, or an opportunity for this committee to comment on whether we think your use of the parliamentary channel here in Ontario has been done in an appropriate way or you could have more or less or whatever. If you could do that kind of thing, then I think members on all sides—I will not speak for everybody, but at least from our side of the House—would be happy to make use of what we think is a pretty good system.

Mr Lind: I think that is an excellent suggestion. First, we do look forward to working with Mr Somerville. You probably have the best setup in the country right now, including the federal House, in terms of providing the kind of television that ought to be provided. The House standing committee on elections and privileges is looking into how it can get its setup more aligned to yours right now. I think they will be down to speak to you at some point, because they do not think theirs is very satisfactory at the moment.

Perhaps there could be a liaison committee with CPaC made up of either staff members who are dealing with television or a representative of the committee. We do have a board of directors and arising out of that is a programming committee which will be meeting with the public to ensure impartiality, because that is what we are trying to do. We are not trying to get in anybody's way; we are trying to give as many forums and conferences and speeches and conventions as is possible to give. We are going to be overexposing the issues, not underexposing them.

I think the idea of some kind of liaison group involving the representatives of the provincial Legislature with a CPaC person or a board would be a good idea.

1650

The Chairman: The last budget was a good example. We got some correspondence which complimented the Ontario Legislature on the coverage; rather than just showing the minister, it had some other shots in it. In Ottawa, they just had the single presentation, and here they had several shots. We have had some compliments on that particular one, so the point is well made.

Mr Lind: They cannot cover everything that goes on. Even if a member crosses the floor or something, they have to be fixed. You could not even record that drama on the screen, because there would not be a fixed camera following it. There are ways. I think they think they have to improve it and bring it more like yours.

The Chairman: They have been looking at the sphinx too much. Mr Morin?

Mr Morin: I just wanted to thank you for the compliments you made on our communications system. We are quite proud of that, too. We have worked at it; we have inspected many other systems. I am glad to hear it from you, anyway.

Who decides what content you will show? I know you have editors. In other words, you take some information from different parliaments and you create a story. Is that the idea?

Mr Lind: No. What we would do, for example, is take the speech from



the throne and the replies to the speech from the throne as a package, either showing it on the days it occurred or as one three-hour, four-hour or six-hour block.

Mr Morin: So people from Vancouver, for instance, would have access. They would see the throne speech, for instance.

Mr Lind: Yes, they will see your speech from the throne.

Mr Morin: Instantly?

Mr Lind: Yes. And you will see theirs.

Mr Morin: So it is an exchange.

Mr Lind: Yes.

Ms Wilson: Providing the House of Commons is not sitting, it would go live. If the House of Commons is sitting it always has pre-emptive rights, but any other time, if the House is not in session, then that whole package would go live. There would be no editing.

Mr Lind: But what we do not do is go in and say we are going to take the highlights of the speech from the throne and edit them to show people. We do not do that. We do not believe in that.

Mr Morin: You would show it in its entirety.

Mr Lind: In its entirety or we do not show it at all. We are exercising editorial judgement in that we decide to show the speech from the throne, for example, or if there is a debate on free trade; that was the example we used. If there is a six-hour debate on free trade, we exercise a certain amount of judgement that this is of national importance, but after the decision is made to show the debate, it is the debate as it occurred with no editing.

Mr Morin: You just choose items or subjects that are of national importance as a whole.

Mr Lind: Yes.

Mr Morin: Okay. What about if you show in Vancouver a debate that takes place in l'Assemblée nationale in Quebec, for instance. Would you have simultaneous translation? Is that the way you would do it?

Mr Lind: We would have it on in two ways. The example we used for the National Assembly was the language debate, which was a really interesting debate that went on in its assembly and received very little coverage and there was no video available. What we would have done there is shown the debate in its entirety. It would have been in French on the French-language channel and translated on the English-language channel. Then it would have been broadcast via satellite across the country.

Mr Morin: I think it is going to be quite interesting to see the reaction of the public as a whole. I think you more or less have revolutionized the whole political system.

Mr Lind: I think it will be very interesting.

Mr Breaugh: That is what I like about it.

Mr Lind: Well, people do not ever get an opportunity to see other legislatures in session. Maybe locally they do, but we do not have a clue what British Columbia looks like. We read about what goes on there, but we do not ever see anything that happens in that Legislature, in the National Assembly or wherever. I think it has some real advantages.

Mr Campbell: My first questions are to the presenters and then I have some technical questions after that, if I may.

First, let's say there was a simultaneous debate going on in the Ontario Legislature regarding free trade—we will use that example since you brought it up—and one in the federal House. Using that example, would the House of Commons be at its normal sitting time and the Ontario Legislature afterwards? Or if the British Columbia Legislature were debating the same issue, for that matter, it would be after, as you are running a 24-hour service?

Ms Wilson: That is correct. The House of Commons is the centrepiece of the service and anything coming out of the House of Commons has priority because it is a national channel. During whatever time is left after the House of Commons programming is played, we would play it on a taped-delay basis.

Mr Campbell: If all the other legislatures were having a similar debate, it would be on your service according to the time requirements after that time. What if they were all debating free trade at the same time? Not all legislatures sit at the same time, I realize, but generally is it possible that you would have your 24-hour service completely devoted only to the free trade debate if all legislatures were dealing with the issue?

Mr Lind: But like Meech Lake, they usually stretch themselves out over months.

Mr Campbell: I appreciate that. I am just saying, take a slice of one day, a snapshot in time; that could happen.

The Chairman: I guess he is concerned about prioritizing. How are you going to prioritize?

Mr Lind: You mean vis-à-vis the various provinces?

Mr Campbell: No, I was really just looking at the fact that you would be covering the whole country fairly, given that the pre-eminent signal would be from the federal House. All the other legislatures would be covered, as you said earlier, in their entirety in the debate they were proposing.

Mr Lind: We would cover them all and they would all be represented.

Ms Wilson: They would all play but not all on the same day.

Mr Campbell: And at the same time; I understand that. That clarifies it.

The Chairman: Does that include sitting committees of the House of Commons?

Mr Lind: Again, you have a different setup. You are televised. They do not televise any House of Commons committees, either in the House or on the



road. Again, I think that is something the standing committee on elections and privileges is maybe going to want to talk to you about, as well; what success you have had with televising committees.

Mr Campbell: We are doing that right now. As we sit, we are being televised; the signal is going right across the province. I think that is an important one.

Mr Chairman, I have a technical question to you and perhaps to the clerk. If this committee were in agreement with this proposal and we were to make a motion of acceptance, we would be directing it to the Legislature and the Speaker. Is there any other body that would be involved in the direction of this motion?

The Chairman: Mr Somerville, you are more familiar with this. Is there any reason this has to go to TVOntario? Do you want to come up and get a seat? Mr Somerville is the director of the communication network in the Legislature.

Mr Somerville: I do not believe there would be a reason to go to TVO. The only other committee that may consider it would be the Board of Internal Economy, if there were any costs involved to the assembly.

Mr Campbell: My understanding is that there is no cost. Maybe the presenters could clarify.

Mr Lind: There would be no cost. We would probably pick up your feed either off the satellite or in Ottawa and then tape it or relay it from there.

Mr Somerville: This committee normally recommends items to the Speaker and to the House.

Mr Campbell: I know Mr Johnson would like to speak, but I would like to propose a motion at the appropriate time to do that. Subject to what Mr Johnson would have to say, I would have the right to speak on the motion.

The Chairman: We will hear Mr Johnson. I have some questions and then we will entertain your motion unless there are other questions.

Mr J. M. Johnson: What are the financial implications? Do you pay us or do we pay you?

The Chairman: Be careful, Mr Lind, because your boss is probably watching.

Mr Lind: This must be the Tory member. Mr Johnson, there are no financial implications one way or the other. We are not proposing to pay you, and I do not think, unless you would like, that you are proposing to pay us. There will be no costs associated with this proposal except, and I think you raised a fundamental issue, how it is going to be paid for by the cable industry. We are proposing to pass on a programming charge of eight cents per subscriber in the manner it is being done for all-news at 45 cents, TSN and several of the other services as well, that are packaged up in a package and passed along as part of the cable rate.

1700

The Chairman: Eight cents?

Mr Lind: Yes. If you are asking about cost, that is the cost.

Mr J. M. Johnson: What about a time frame? Is there any type of contract we are obligated to enter into, that it is six years, six months or anything of this nature, due to the costs you will have to pick up to bring this program on stream?

Mr Lind: We are hoping to go before the CRTC in February, and we are hoping that if this is acceptable it will rule by April and we can start in September 1990. I would hope they would give us a five-year licence at that time. We do not think it is necessary to have a contract with you; just your letter of approval would be fine. I guess it is rescindable at any time, too, if you think we are abusing the process. I would hope that if you endorse this, it would be ongoing until such time as you sought to change it.

Mr J. M. Johnson: You would be able to change it at any time the committee or the government changed, something of that nature?

Mr Breaugh: Are you talking overthrow here, Jack, already?

Mr Campbell: We have talked revolution before. He is just picking up the spirit.

Mr J. M. Johnson: The other point I was going to mention is that the government's debates would occur during the middle of the night.

The Chairman: Any other questions?

Mr J. M. Johnson: It sounds pretty good to me.

The Chairman: Just one or two questions, Mr Lind and Ms Wilson. With regard to Ont.Parl, our own channel, will this impact on it in any way?

Mr Lind: No, this would not impact in any way. I once heard somebody say it might mean cable companies would think they are covering Ontario because they have the feed from CPaC, but that would be absurd, because it will only be several hours a week, for example, as opposed to the full coverage you provide. Remember, there is no channel capacity issue here. There is already a House of Commons channel which is being carried by every cable company in the country, and there is already a provincial channel which is being carried, as far as I know, by almost every cable company in the province. They are already both going, so there would be no impact.

The Chairman: I know you indicated earlier that you were not going to do any editing, but as a filler, would you take half the question period here, for instance, or something of that nature rather than the whole question period? Or if you did it here would you do the question period from beginning to end?

Mr Lind: We would take the entire question period or none of the question period. We will show whatever it is in its entirety or it will not be shown at all. We do not want to edit.

The Chairman: Mr Campbell moves that this committee support the proposal by CPaC and refer to the Speaker in the Legislature for approval.

All those in favour? All those opposed? That is carried unanimously.

Motion agreed to.



The Chairman: Thank you, Mr Lind, Ms Wilson and Mr Somerville.

Members, thank you very much. If there is no further business, this meeting is adjourned.

The committee adjourned at 1705.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

LEGISLATIVE BROADCAST SERVICE  
REVIEW OF ELECTION LAWS AND PROCESS

WEDNESDAY 21 JUNE 1989



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)

Breaugh, Michael J. (Oshawa NDP)

Farnan, Michael (Cambridge NDP)

Johnson, Jack (Wellington PC)

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Morin, Gilles E. (Carleton East L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Substitution:

Cleary, John C. (Cornwall L) for Mrs Sullivan

Clerk: Deller, Deborah

Staff:

Yeager, Lewis, Research Officer, Legislative Research Service

Witnesses:

From Rotel, South Ottawa Services Foundation Inc:

Warrack, Dr Ian, President

From the Office of the Assembly:

Somerville, Bill, Acting Director, Information Services Branch

From the Union of Ontario Indians:

Miskokoman, R. K., Grand Council Chief, Anishinabek Nation

Watts, Robert, Program Manager

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 21 June 1989

The committee met at 1542 in room 151.

LEGISLATIVE BROADCAST SERVICE

The Chairman: I am going to call this legislative assembly committee meeting to order because we have a delegation whose president is prepared to be called on at this time. I recognize the fact that we may have difficulty with numbers today, but we have a quorum, so we are going to proceed.

We have the use of the Ont. Parl satellite transponder at issue today. We have Ian Warrack from Rotel. He is president of the South Ottawa Services Foundation, Inc. Dr Warrack, do you want to come up and take a seat?

Members will recall that the use of the transponder is under the control of this committee, and if people want to make special use of it, they must come before the committee to get permission.

Mr Sterling: Could I just ask a question?

The Chairman: Yes.

Mr Sterling: I received the material from the clerk and I have received it, as well, from the Rotel group, which is from Ottawa-Carleton. There was a statement in here about our policy, as decided on 25 January. Is that in writing?

The Chairman: There was a motion.

Clerk of the Committee: We do have that. I do not have it with me; it is in my office. But this committee did agree to some guidelines for a one-time use of the transponder.

Mr Sterling: Can I see those?

Clerk of the Committee: Can you give me a few minutes to get copies of that?

Mr Sterling: Sure.

The Chairman: In the interim, while the clerk is getting the information for Mr Sterling, I think we will proceed, unless somebody objects, and have Dr Warrack make his presentation. All of you have received correspondence from him, I am sure. We will have him make his presentation and then the clerk will be back in a few minutes.

ROTEL, SOUTH OTTAWA SERVICES FOUNDATION, INC

Dr Warrack: For those of you who are not quite sure what Rotel is, what we did as a community project was construct a motel of 50 rooms which is operating at a very economical rate for two categories of people: first, those people who are a significant distance from Ottawa, generally, and who wish to visit their sick friends or relatives in the hospital and give them emotional



support; second, there is what we are realizing is becoming a more significant factor---those people who, in fact, are outpatients who are attending from far away and who, instead of occupying an acute hospital bed, can be accommodated as outpatients as if they were living in that community and have their investigations and treatment as outpatients.

About 50 per cent of our occupancy is outpatient usage and we see that as something that is going to increase. This applies to any hospital in Ottawa. It is not one particular hospital, it is not one particular age group or any particular sex or any particular disease; it is everything. In that respect, we are somewhat unique.

It cost us \$1.7 million to build. This was a Rotary Club-inspired project. We have had funding from many other service organizations and many local municipalities for the capital cost. Some of the people who stay at Rotel receive subsidization from local communities, local governments and various other agencies to stay, even though we charge only \$23 a night per room.

One of the things that we are trying to do is pay off our mortgage. Unfortunately, our fund-raising was not enough to keep pace with the inflation of construction costs and we were left with a mortgage. What we want to do is pay off that mortgage, which is currently at \$500,000. By doing that, we will be able to not only contain the room rates, but reduce them to make them even more affordable to people.

We consider we are a unique project at the moment. We think perhaps there will be other similar facilities built across Ontario. We came up with a somewhat unique idea. Telethons are by no means unique; we are telethoned a lot. But what happened was that one of our local cable companies said: "You know, it would be really original and really challenging to network the cable companies in Ontario, those which wish to participate together. We never get a chance to do that." To do it for something which is a fund-raiser, for something which is original also, was particularly appealing to them.

As you can see from the information that we have here, we had originally hoped we could do this in April, but it became apparent that we were not going to be able to do that, not the least being that we could not get this satellite.

We have interest, at least, not only interest, but cable companies are going to participate from all over the place, including here in Toronto, all the way down to Montreal, all the way up to Kirkland Lake, North Bay, Cornwall and many others. As we get closer with a definite date, we will have even more, so this is an opportunity for them to participate in two ways. One is to show it, and if we have the legislative channel, they can do that without much effort, although they can also switch it over to their regular community channel. But also those who wish to can produce segments for this which we would then show on the network. It would allow various communities a chance to be seen by the rest of the province. We think this is important.

From our point of view, there are two benefits, one being that it will allow us the chance to raise funds, and second, it will allow us a much bigger chance to raise awareness in the various communities to allow people to realize that if they end up attending a medical facility or hospital in Ottawa, there is somewhere they or their families can stay if they need to.

So we hope that we might be able to do this. It would be unique for

community cable companies, large and small, to participate in something like this and they are very excited about it.

The Chairman: Do members have questions? Mr Sterling, Mr Breaugh and we may have some others.

Mr Sterling: Where is Rotel located in the Ottawa area?

Dr Warrack: It is in the Health Sciences Centre beside the Children's Hospital of Eastern Ontario, the Ottawa General Hospital, the Royal Ottawa Regional Rehabilitation Centre and those others.

1550

Mr Sterling: For those who are not aware of the location, etc, I think it is important to know that, in that Children's Hospital serves all of eastern Ontario, as we would know. Therefore, the utilization of Rotel comes not from Ottawa people, even though I guess Ottawa people were the primary people who put up the funds to build it to this stage.

I think it is an excellent way to raise funds, in that people from communities which I represented before, such as Kemptville and Prescott, who want to visit with their children who are in the Children's Hospital, have this facility where they can stay at a very reasonable cost.

Through a facility like using the transponder and a fund-raising event like this, we will get out to the people who are actually using it. It is almost unique in that sense, in that you cannot really run a campaign other than through a facility or communications link like this. That is really what I wanted to drive home, how it is not only the CHEO but there are other facilities in the Health Sciences Centre area. What other facilities are in that area?

Dr Warrack: There is the Ottawa General Hospital, with its associated cancer clinic, the Royal Ottawa Regional Rehabilitation Centre, the Ottawa Children's Treatment Centre, which originally was called the Crippled Children's Treatment Centre, and the National Defence Medical Centre. In fact, we are only a bus ride from the Ottawa Civic Hospital plus the other community hospitals around, so really we have a lot of tertiary care and a lot of referral centres.

Unfortunately, I do not have enough copies here, but I do have a few copies of our utilization, which has been since we opened in July 1986. It might be useful for you if I can pass it around and let you have a look to see how just wide an area we have had people from. We do have some copies.

Mr Sterling: I looked at the 31 December report. I do not know if that is the one you have.

Dr Warrack: We have an updated one which has more.

Mr Sterling: Even looking at the 31 December copy, for instance, from Cornwall, which is about 60 miles away, there must be over 1,000 nights of accommodation from people who would probably be visiting their people in that area. Cornwall would no doubt be hit through this appeal by using the transponder.

Dr Warrack: For sure, yes.



Mr Sterling: I think it is a tremendous idea and deserves a lot of support.

The Chairman: To clarify, the reason this is before us is that they did put in an application and the application was denied, based on the guidelines that this committee established some time ago. We did leave the appeal process open, and it is under those circumstances that Mr Warrack is here, not having met the guidelines that this committee established.

There has been talk about it and some members have mentioned the possibility that maybe those guidelines were too narrow, too broad or whatever; but that is the reason it is before us.

Mr Breough: I do not have any difficulty with the process. When we discussed guidelines, what we were trying to do was provide a set of circumstances under which, without question, someone could use the facilities that we have. I think it is precisely because of the nature of this proposal that when something did not meet the guidelines, we wanted it brought forward to the committee.

I certainly do not have any problems with the facility that is run or anything like that. I did want to pursue a couple of difficulties that I see with the proposal that you have made, one of which is the fact that you want to do this on a Sunday and you want to use the facility all day. That causes a bit of a problem for us because we have a long-standing commitment to another group to use it. I would just like to hear whether or not you can accommodate your needs to what we can offer. For example, we do not have the whole time period on the Sunday available. If we had to force you to alter plans to use the transponder, would that still be acceptable to you?

Dr Warrack: The hours that we wish to have are 10 am till 4 pm. My information is that does not conflict with any current plans for utilization that day.

Mr Breough: Okay. That is a little different from the original request from 9am to 8 pm.

Dr Warrack: Yes.

Mr Breough: That is okay, as long as you do not conflict with our existing commitments. The other thing that is somewhat different about this proposal—and I am looking through my notes here to see whether we have the usual ton of paper from TVOntario and folks like that—is that it does strike me that if someone wanted to make the argument that this is a use for which our licence is not compatible, it could be done.

Does anyone have any information for us on whether the Canadian Radio-television and Telecommunications Commission, TVO or any of those other nervous folks would get really upset over the fact that we are using the system in a way that is somewhat different from any proposal we have had to date, in the sense that you are deliberately setting out to broadcast throughout Ontario?

On the other two precedents that I can think of—one is a native group in northwestern Ontario which has a carefully targeted group of people that it wants to talk to, and the other was a proposal from Mr Ballinger's area in Newmarket for a hospital fund-raising telethon thing there; but again, it was a very localized kind of thing—one certainly could make the argument that this is yet another network.



Dr Warrack: Our understanding is that we certainly have to apply for a CRTC licence and that Skyline Cablevision, which is the company in Ottawa helping to co-promote this with us, is intending to do that with us.

Mr Breaugh: In terms of any kinds of practical problems that might arise, you are prepared to work around those and accept whatever restrictions might be placed on you by them?

Dr Warrack: Yes, we have already checked with Telesat to see if it is possible to have technical problems at the origin end and whether it is a problem that date or any other date. That date particularly is no problem with them either.

Mr Breaugh: So you are not aware of any practical problems that might be brought forward that would cause us some difficulty?

Dr Warrack: No.

Mr Breaugh: I was looking through my notes again today and I do not seem to have with me the normal accompanying staff report. I wonder what happened to it. Do we have one?

The Chairman: We have Mr Somerville here, who can make some comments with regard to that. I also have the benefit of some comments from TVO. TVO very much would like to have been here. They have suggested that this is in violation of the guidelines we established and that if we do approve it, then we should indicate under what conditions we approve it. That is the feedback from TVO.

Mr Somerville is the acting director of the communications services branch here. Do you have any comments with regard to this and which can help in response to Mr Breaugh?

Mr Somerville: In my discussions with TVO we assumed that if the committee gives the okay for the use of the transponder, then we will go through the normal process; that is, write a report and make sure it meets all the guidelines such as the CRTC licence, insurance and all the proper notification.

Mr Breaugh: Okay, then I guess the only problem I am having is that you are kind of saying, "You make the first mistake and we will make the second one." I prefer to have you make the first one and we will make the second one.

Mr Somerville: I do not think there will be any mistakes. From our point of view in broadcast and recording services, as usual there will be no cost and staff time involved. The only proviso I would say, and I think Rotel should know this, is that if the House sits, then they will be pre-empted. As you know, we never transmit on Sunday afternoons, but I am assuming the House will not be sitting on 8 October. That may be wrong or right.

Mr Sterling: The opposition will not have any control over that when the new rules come in.

Mr Breaugh: I think the bells will probably be ringing anyway.

Mr Somerville: In the past, in my letters to people whom you gave permission for the transponder, I made it clear that if the House was sitting, then they would be pre-empted any time.

Mr Breaugh: The only thing that would interrupt your normal programming would be the rebroadcasts on Sunday?

Mr Somerville: Yes.

Mr Breaugh: I am assuming that the world could live without one Sunday rebroadcast of the Ontario Legislature. I know there would be cards and letters from all over North America, especially from the south end of Oshawa.

Mr Somerville: If it happened that the House was sitting, I would come back to the standing committee on the Legislative Assembly and ask what you wanted me to put on, Rotel or the House repeat, and you would be making the decision again.

Mr Breaugh: Let's see what they have got to offer us first.

1600

Mr Somerville: That is assuming the House is sitting on 5 October. We normally play the week's question periods on Sunday afternoon, as you know.

The Chairman: It might be beneficial to note that usually the House does not sit and we do not usually come back until the Tuesday after Thanksgiving. That would be the Tuesday following that Sunday. Monday would be Thanksgiving Day, so Tuesday would be the day we would come back.

If Mr Breaugh is finished, we will go to Mr McClelland.

Mr McClelland: I am going to have to excuse myself, but I just wanted to express on the record to Dr Warrack and to the whole organization that I think the operation and the cause they are seeking to ask our assistance in supporting is very worth while. I know we have said that, but it is incumbent on us, wherever and whenever possible, to take the facilities that are made available—indeed, belong to the people of the province—and make them available to worthwhile causes. I just wanted to get that on the record and express my opinion for my colleagues if I am not back here as the discussion proceeds. Thank you for that opportunity.

The Chairman: Okay, Mr McClelland. I did want to underscore the point Mr Somerville made, that at this point there is no extra manpower needed. If we got to the point where there were additional requests, we might have to add additional manpower and it may cost us additional dollars. That would have to be a new dimension that would be dealt with at that time.

Mr Cleary: Thanks for the information brought forward today. Having been a close neighbour to that area, I have no difficulty supporting the request either.

The Chairman: You do not have a conflict or anything of that nature, do you? Are you living close by the area?

Mr Cleary: Not that close.

The Chairman: I am just kidding.

Mr Cleary: We were involved in it a bit when it was being built, that is all.

Mr Sterling: Patti Starr's not involved with your organization?

Dr Warrack: No.

Mr Breaugh: We just have to check these things these days.

The Chairman: Given the fact that it is not going to cost us any additional money and given the fact that the time is open, that there is no conflict, is there a motion that they be approved?

Mr Breaugh: Just before you do that, I have no problem with that at all, but I just want to make sure this process gets the same procedure everybody else has gotten. When the motion is put, I would simply ask that it have the little rider that we ask for the normal staff reports and references and all of that so that each of the applications that come forward go through roughly the same treatment. I think that would be reasonable. I have no difficulty in approving it.

Mr Campbell: So moved.

The Chairman: All those in favour? Opposed? That is carried. Given all those kinds of conditions, Dr Warrack, you have been approved.

Motion carried.

The Chairman: We are waiting for another delegation and it probably will not be here for a few minutes. There is a matter we could deal with in camera, so what we will do is recess for a few minutes. We will go in camera to deal with that and then we will come back at 4:30, or earlier if the delegation is here. We will recess for an indefinite period.

The committee continued in camera at 1604.

1633

#### REVIEW OF ELECTION LAWS AND PROCESS

The Chairman: We have the second delegation with us at this point, the Union of Ontario Indians, with R. K. Miskokomon, the grand council chief, and Robert Watts, the program manager.

Gentlemen, you have brought a brief with you and have circulated it through the clerk to the members of the committee. We just received it, so obviously we have not had a chance to read it. I do not know whether you are intending to read the whole thing or just go through it and pick out the highlights.

Chief Miskokomon: We intend to read this brief.

The Chairman: Any idea how long it is going to be?

Chief Miskokomon: About 15 minutes.

The Chairman: That will be fine. Proceed.

#### UNION OF ONTARIO INDIANS

Chief Miskokomon: On behalf of the Anishinabek Nation, I would like



to thank you for the opportunity to address you today on a matter relating to Indian representation in the electoral process at the provincial level and, more specifically, representation in the provincial Legislative Assembly.

We have filed with the committee a written submission which provides a more detailed background and analysis, as well as the position and recommendations of the Anishinabek Nation in this area.

In this presentation, I would like to provide a summary overview of the material contained in our submission. However, given that you have the material before you, I will not attempt to repeat in full detail the contents of that submission. Rather, I will focus on what we see as the major points and recommendations now requiring consideration. I intend to keep my comments on the short side to allow members full opportunity for questions.

At the outset, I should emphasize that the issue we are addressing presents a significant challenge, not only to the government and elected members from all the parties but for Indian people generally;

A challenge to the government in the sense that these issues directly confront the stated corporate policy of the present government to deal in a progressive manner with matters relating to the special status and rights of Indian people and in particular a specific commitment to deal with issues relating to Indian government;

A challenge to all elected members of the House and more specifically to members of this committee, in that the positions we are advancing present significant challenges relating to current structures as well as the principles underpinning the electoral process and institutions at the provincial level;

A challenge for Indian people, to the extent that the questions raised confront the need to set aside long-held suspicions and fears relating to the province and its jurisdiction to deal with Indian people and lands;

A challenge to Indian people to develop a more comprehensive vision for the future directed towards achieving effective Indian participation and capacity to reflect and represent Indian interests at all levels of the political process.

I would now like to turn in more detail to what these challenges involve and how we might commence a joint process with the potential to examine these issues in more detail.

The central issue we are raising relates to the need to achieve broader and more effective participation by Indian people in mainstream political institutions and processes.

Our submission focuses on the issue of special arrangements for political representation of Indian people in the provincial Legislative Assembly. It is acknowledged that this is but part of a broader set of questions that involve aboriginal peoples generally. In addition, this issue is part of the broader need to ensure over time that Indian people are part of decision-making processes and institutions at the federal and provincial levels and in relation to legislative, executive and judicial functions.

We identify the fact that by any reasonable standard aboriginal people in general and Indian people in particular are significantly underrepresented

in the conduct of this country's political life. We attach a short list of historical and current federal members of Parliament. There are currently three, and in total there have been 10 from 1873 to 1989. Appointees of aboriginal descent to the Senate are currently three, and there have been a total of five from 1958-89. The track record for the Ontario Legislative Assembly in this regard, as best we can determine, is even worse.

Yes, nominally we have representation under the current system and very occasionally we may find an elected MPP who is knowledgeable and has a level of sensitivity to Indian issues, interests and aspirations. More generally, this is not the case.

The reasons for this lack of effective representation are complex and include: a more general lack of participation by Indian people in the mainstream political processes; disincentives for Indian people to become involved, including the denial of franchise until relatively recently at both the federal and provincial levels.

More fundamentally, however, the current party system and the more general electoral process can, without exaggeration, be termed a form of subtle, perhaps unplanned yet nevertheless pervasive systemic discrimination against Indian people becoming involved, let alone actually possessing real power within the current mainstream political institutions.

Yes, Indian sensitivities exist, based on legitimate concerns relating to our special rights, our special relationship with the federal government, and apprehensions of loss of status and erosion of those rights. These fears are not unfounded. They reflect a history of repeated demonstration by both levels of government of insensitivity, and policies, especially on the part of the federal government, that appear to reflect a wishing away of the Indian problem, a hope that we will just behave, integrate, and not make a special demand on either level of government for special treatment.

This will never happen. Indian peoples across this country today remain strong, distinct societies with unique cultures, languages, histories and a special legal status and associated rights. We possess a strength and pride as Indian people, and in our view we contribute to the distinctiveness and richness of present-day Canada in a broader sense.

The challenge which I mentioned at the outset involves governments and Indian people setting aside the approaches, agendas and apprehensions of the past in building towards full accommodation of Indian peoples as distinct self-governing societies with a need to ensure effective participation and representation at all levels of the political process.

Before we can try to deal with questions relating to possible future direction in relation to Indian representation in the provincial Legislative Assembly, it is important to understand the place and priority to be accorded to the issue of Indian first nations government.

Indian people take the position that we have historically possessed and retain today the inherent right to govern ourselves. It is our view that this inherent right, which was reflected in the treaties concluded with our forefathers, has not been and cannot be effected by legislation of either the federal or provincial governments. We take the view that the right to self-government is contained within those aboriginal and treaty rights which are recognized and affirmed by subsection 35(1) of the Constitution Act, 1982.



1640

We see the priority need for more explicit recognition and protection of this right at the constitutional level. This involves the need to resume constitutional-level discussions. In addition, there is need to discuss the specifics of what that right will entail for the future and the changes that will be required in the current federal and provincial jurisdiction, programs and financing.

We find it a sad fact that governments were able to muster the political will to try to resolve outstanding constitutional issues relating to the province of Quebec, which views itself as a distinct society, yet at the same time fail completely to deal with the special status and rights of Canada's original peoples and the distinct societies they represent to the present day.

If ever any confirmation were required of the lack of ability of the mainstream political processes to deal fairly with legitimate Indian interests and needs, the failure of the constitutional process which discussed aboriginal constitutional issues in the period 1982 to 1987 is a perfect illustration.

I should emphasize that our view of Indian first nations government essentially involves the development and recognition by both levels of government of Indian political structures, institutions and legislative authority. It involves recognition that this right includes the ability to develop and deliver our own programs in areas such as education, health and justice. It involves recognition that radically new approaches to the financing of Indian government will be required. In addition, it involves a system of accountability by the leadership to the membership of individual first nations. Indian people have historically possessed and have maintained to the present day their own political structures and systems which will need to be recognized more extensively as the specifics of Indian government are negotiated in the years ahead.

Notwithstanding our emphasis on Indian government as providing the main political structures and institutions which must reflect Indian political decision-making requirements for the future, we acknowledge that federal and provincial programs and legislation have impacted and will continue to varying degrees in the future to impact upon Indian people and their lands as well as our future development as distinct peoples. More often than not, the impact of such programs and legislation in the past has been negative.

It is for this reason that the Anishinabek have identified the need to commence discussions on the broader issue of Indian participation and representation in the mainstream federal- and provincial-level electoral processes. The discussion of this issue is not intended to replace or deflect from the requirement to reach agreements on the issue of Indian first nations government. Rather, it is designed to complement such discussions and results.

Historically and to the present day, Indian positions relating to the possibility of special representation at the provincial level have been predominantly negative.

Clearly, any discussion or involvement in this area is not acceptable as an alternative to first nations government. It should not and cannot be seen as a substitute for dealing with the more fundamental questions identified above. However, we do sketch some of the possibilities and implications of examining in more detail possible ways of achieving Indian representation in the provincial Legislative Assembly under special arrangements.



The objectives for Indian participation under special representation arrangements are identified, and include: countering institutional discrimination; increasing the sensitivity of the legislative process within Ontario to Indian issues and requirements; achieving some minimal decision-making influence on the part of Indian people within the mainstream political process.

While special representation could never be a panacea response for dealing with the problems we have identified, it could, if accompanied by effective movement in other areas, especially Indian government, assist in ensuring that Indian needs, concerns and interests are better understood and better accommodated in mainstream political decision-making.

We discuss a number of possible approaches that might be considered for achieving special Indian representation in the Legislature. It is our submission that the creation of a separate, parallel electoral system, which provides for a defined number of Indian seats in the provincial Legislative Assembly, is the only approach that really merits more detailed consideration.

We discuss quite extensively in our submission the experience in New Zealand where separate Maori seats were established in 1867 and remain part of the overall electoral process to the present day. This effectively constitutes an electoral system superimposed on the current system of territorially defined general constituencies.

The New Zealand experience is not without its critics, both Maori and non-Maori, or its problems. A lively debate on whether the seats should be retained, increased or abolished continues to the present day. Notwithstanding this debate, the New Zealand experience demonstrates that special measures for aboriginal representation can and have functioned in a parliamentary system and appear to have had a number of positive benefits.

The implications of such an approach are not insignificant, and we can anticipate members of this committee shuddering at the suggestion of an approach that calls for special arrangements to ensure Indian representation in the Legislature. The automatic questions arise: What of other groups, the demand for similar representation by other interests? How could we ever work through the mechanics of such an arrangement, given our present political system and structures and the principles that underpin it? Would such arrangements ever assure true Indian representation? How, to what effect and with what implications?

Most of these questions are obviously legitimate. However, Indian people possess a unique legal position and rights within the Canadian political structure. We are not just another special interest group. The current situation reflects a unique and unacceptable level of continuing institutional discrimination against Indian people. Special measures and creativity will be required to counter this situation.

We are not saying that the New Zealand experience is necessarily totally positive or transferable in the Canadian context. We are not saying that the Anishinabek would necessarily support such special representation arrangements. We are saying that the issue and possible approach merit further examination, preferably in a way that ensures Indian people are fully involved

Specifically, we are recommending:

1. That the government of Ontario, as a matter of priority, renew its efforts to re-establish the constitutional-level discussions on a broad range of unresolved constitutional questions, including the issue of first nations government.

2. That the standing committee undertake an in-depth examination of the issue of special political representation for Indian people in Ontario.

In advancing these two relatively simple recommendations, we return more fundamentally to the challenge I put forward at the beginning of my presentation to you.

It is time for the provincial government to start living up to the substance of its rhetorical commitments to better understand and accommodate the special interests and legal status of Indian peoples within the province. It is time for action, not words. This involves development and support of new visions for the future and working towards realization of a new future for Indian people in Ontario. It involves Ontario assuming a more aggressive leadership role in trying to achieve resolution of issues at the national level.

While the issue focused on in our submission and presentation today may be subsidiary to other items on the overall Indian political agenda, it is an area that provides one of a number of opportunities to start on that pattern of mapping out a different future for Indian people and demonstrating that the political will is present to contemplate fundamental changes to current arrangements.

We believe it is within the mandate of the committee to do what we are recommending. We believe what we are recommending puts substance on the general commitment of the government in relation to the future of Indian peoples in this province. We are now hoping that the government generally, and the standing committee more particularly, have the courage and vision to pick up this challenge.

The Chairman: Do members have any questions they wish to ask at this time? I might say we have the benefit of having Mr Bailie here today, who is the chief election officer. If anyone has questions, they could ask these two gentlemen, or if necessary we can ask Mr Bailie to come forward.

1650

Mr Morin: Was there ever a presentation similar to this one made to the federal government?

Chief Miskokomon: We proposed this type of process to the federal government back in the early and mid-1970s

Mr Morin: What kind of a reaction did you have?

Chief Miskokomon: A positive one.

Mr Morin: What have they done since?

Chief Miskokomon: A series of events has overtaken those proposals as they were advanced by Indian people. The series of events I speak of was



roughly in the later part of the 1970s, in 1977. In 1976, there were discussions on the patriation of the Constitution. At that time, Indian people began to look at the relationship they had with the government of Canada vis-à-vis treaty and aboriginal rights. From that time, the whole constitutional process then overtook this type of proposal that was put down, and from that time there has not been any—

Mr Morin: When you had your meeting for the Meech Lake accord, was that issue discussed at that time?

Chief Miskokomon: During the Meech Lake accord discussions?

Mr Morin: Yes. You had meetings at the beginning.

Chief Miskokomon: Our submission on Meech Lake did not reflect on this.

Mr Morin: You did not talk about this at all?

Chief Miskokomon: No.

Mr Campbell: First of all, I appreciate it that this committee is looking again at honouring the request of our native peoples to represent themselves again, after the process had gone through for the initial consultative period when we were looking at the proposed changes to the Election Act. I think it is important that they have been able to come back again before this committee to reiterate their concerns.

It is worth noting that whatever is decided by this committee can at least continue to the discussion phase, given that my colleague has brought out the federal situation and what has happened there. I would hope we can keep these lines of communication open so that we can entertain any questions or submissions by our native peoples. That is all I had to say.

Mr Farnan: I have a comment. First of all, I want to thank you for a very provocative and stimulating brief. It certainly is a challenging brief and I think you are going to test the mettle of this committee as to how we respond, because this brief certainly is a tremendous challenge to all members of the House in all parties. It was just today in the House that my leader, Bob Rae, made some comments on the two Ontarios in terms of looking at some of the situations surrounding the aboriginal peoples and making some comparisons to the rest of Ontario.

I think he made a very profound statement in which as leader of the official opposition he, I suppose, encouraged the government and encouraged all of us in all parties to at least recognize that there are fundamental injustices and problems that need to be addressed. No matter how you cut it and no matter how we try to be sensitive as a committee to the needs or conditions of the aboriginal peoples, I do not think anybody can express those aspirations accurately other than members of the aboriginal peoples themselves.

The fact that the aboriginal peoples are not represented within the House is probably a tragedy, because the House is lacking in reflecting the total picture of Ontario. We could not conceive, for example, that French Canadians would not be represented in the House. Certainly, to reflect on the fact that our aboriginal peoples are not represented in the House—I stand to



be corrected on that, of course, but I believe that is the case—in 1989 really is our own loss, because nobody can speak to those needs.

Can you give me some more information. You talked about the Maori experience. Is there anything similar in Australia or has there been any integration of the aboriginal people in Australia within the political system?

Chief Miskokomon: The other examples we use on aboriginal representation are in Greenland and with the same people of both Norway and Sweden, who have guaranteed representation. The Maori experience is essentially the oldest we know of, but it is not exclusive in its way.

If I might elaborate a bit, always within the aboriginal society a discussion takes place on whether or not we should be involved within your structures, whether or not our relationship with the province of Ontario has been one that can be improved upon, or are we really in isolation from the rest of the province?

When I have listened to members talk over the past 10 years, at least since I have been involved directly in Indian politics, they have often said: "Well, you're really a federal responsibility. We really can't do anything for you."

During all of that time, I grew up and went to non-Indian schools. I took the curriculum that was developed by your ministry. I was taught by teachers who are accredited through your process and I went to your institutions. Then I find that in one way a subtle form of integration is taking place among our people, and in another way, when we attempt to put forward our concerns, we are no longer able to talk to the province because we are under federal legislation.

I do not find that acceptable because there are many, many land claims in this province, and even on this very day, this very hour, there are resources being extracted from our territories. We are paying the price today, and we are shut out.

Mr Farnan: I suppose what I would say is that while the concept of some form of representation similar to the Maori has merit as a concept, how could any provincial government begin to contemplate such a process, and would there be within the aboriginal peoples themselves a commitment to such a process? Or would we simply have a division or a concept that was dividing the aboriginal peoples in the sense that some would want to hold out for self-government and others might see this as a stepping stone, as part of the process. Do you see problems with that?

1700

Chief Miskokomon: Absolutely, there will be problems. Unquestionably, there will be problems with it. There will be problems in the process because just as is reflected in this House, there are different philosophies. If there were not, there would not be three parties. There are different philosophies within the Indian nations on the way to proceed.

I think that over the long haul we are into, and as we have clearly stated, within the constitutional process we do not want and are trying to dispel this myth of Indian communities of being some kind of mystical land no one can ever come into. We are trying to dispel that myth. What we have been very clearly saying is that we want to participate with the rest of Canada. We

want to participate with Ontario, and yes, there will be difficulties in the process. It is the same way that there will be difficulties with the realization of Indian self-government.

However, we have to move on. We have to begin the process. What we see is that if we do not move on, all we have is the status quo, and the status quo for us is unacceptable.

Mr Farnan: Can I ask a question that may help clarify this, but not to the chief; I think to counsel. That is at the—

The Chairman: Mr Watts.

Mr Farnan: Mr Watts. The final paragraph says, "We believe it is within the mandate of the committee to do what we are recommending". I would like some comment by counsel on that.

The Chairman: He is not exactly counsel. He is a program manager. He may have some details for you, Mr Farnan.

Mr Morin: Mr Chairman, on the same issue, may I ask a question?

Mr Farnan: Yes, by all means.

Mr Morin: I have a suspicion this committee is not the right committee to make this presentation to. I will tell you why. You have a very serious concern and I appreciate that. May I make a suggestion, Mr Chairman, that you consult, either your counsel or somebody else, to know which group should listen to this presentation officially?

We deal with election procedures. That was our mandate, I believe; the changes. This is totally different. This is a new concept and I think they deserve to be informed properly as to how to proceed. I do not think we are the right forum.

The Chairman: I think what Mr Morin is saying is that the act has been referred to us for review in the context of the 130 ridings we hold. What you are suggesting is that we set up one or more separate ridings in which people of Indian descent might be able to be candidates. I presume what you are saying is that it would be limited to those people to run in those special ridings. Mr Morin is saying that maybe there is another jurisdiction that should more adequately be dealing with this matter because it may be beyond the bounds of this committee. Not knowing exactly what you are going to recommend, obviously we knew we should hear you, because we are dealing with the Election Act.

Mr Morin: The problem is that you are adding something new to a system that already exists. I understand there was a study conducted by the director of the election office in Quebec. The report just came out and he circulated it among all the natives of Quebec. Are you familiar with that report?

Chief Miskokomon: No, I am not.

Mr Morin: I believe the chief election officer may have a copy. Perhaps we could get a copy and send a copy to Chief Miskokomon too. In order to be fair to you, we want to be sure that you talk to the right people. I strongly believe—and the more presentations I hear now—that we are not the right people who should listen to your presentation.



The Chairman: I think, though, to add to that—and then I will go to Mr Farnan—it has been very beneficial. I am going to hear all the questions, and then we will have to probably table the matter before we get further direction in it. We will not be able to finish it today, but I do want to get as many questions as possible asked and answered today. Then we will have to defer it maybe for a week or two before we get further advice on the matter.

Mr Farnan: I would say this. The course that you outline is certainly a challenging one and one that is fraught with some very sensitive decisions. If one was looking at representation of aboriginal people, would one be looking at representation on a regional basis or would it be aboriginal people in total across the province electing a specific number of representatives?

In other words, would the constituencies be different in makeup? Might the constituency in fact be all of Ontario with all aboriginal people having the right to vote for X number of members or would it be members of particular nations within the aboriginal people voting to elect a member from their particular nation?

That is a very tough question. I sure would not want to touch that one. I would want the aboriginal people to come up with the kind of decision which said, "As an aboriginal people with all of the nations agreeing, this is the way we would want to do it." I think that not only do you have to find the right key, and we have to find a right key for this presentation to be made to the government, but also you have a lot more work to do than is presented within this initial concept.

I think the concept is sound and I think the concept is challenging, but within the aboriginal people themselves, how do you divide that share of political input between the aboriginal people? For discussion purposes, let's say we are talking four or five seats available. What way would the aboriginal people themselves set about looking at recognizing how those members should be elected?

I think the concept can only come to fruition if indeed the aboriginal people themselves have a very clear and specific package that they want to represent, because if divergent packages are presented, my suspicion is that members who are not of aboriginal background will not be able to choose. I think you have to come to that conclusion yourself.

Chief Miskokomon: You are absolutely right that those are going to have fundamental problems and mechanisms in how to establish a structure. We recognize that there will be problems in that area. However, taking into account that there are going to be problems, what we are simply saying is that—let me, first of all, deal with the question of representation. Will it be Indian or aboriginal?

There has been a process that was started, as a matter of fact, within the last census taken in Canada, called self-identification. People who felt that they were of aboriginal descent were characterized, as it is in the Constitution, under Indian, Inuit or Metis people. We find nothing wrong with that. I think that identifying who has the ability to vote can simply be done through the self-identification process.



1710

Second from that is whether or not there would be whatever number of ridings we are talking about. I think the fundamental point that we are attempting to make is that we understand there are going to be a lot of mechanical problems in dealing with this. We understand there is going to be a diversity of opinion within the aboriginal community on the merit of this proposal. But at the same time the problem continues to exist that there is no representation of aboriginal people in this House.

Our underlying consideration for this committee is that whether it is by aboriginal boundaries established through all of Ontario or by first nation by first nation, which would then exclude people not living within our communities and would create problems, whatever way that comes we are simply saying that there are ways that we should begin to resolve the underlying question of underrepresentation.

Mr Campbell: First of all, I prefaced my earlier remarks regarding the continuing dialogue that has to go on. Mr Farnan certainly has presented a few of the technical details that I think are current in the debate within your own group of people that you have clearly pointed out, and also the situation in the federal House and the Senate which has some representation, although it may not be enough. Other groups may argue back and forth that they are underrepresented as well, but at least they are represented. I take it that, of course, it is different than this House presently.

What I would try to do, not to put you off, is suggest that we do an investigation and refer this matter to the steering committee of this committee, using the legislative counsel that we have to advise us, as well as others who may want to advise us on this issue. I would ask then that we keep you apprised of what our debate is so that you can understand where this committee feels it is going. If it is decided that it should be another group or organization that hears you, I think that starts the process down the road that you are looking for.

That is why I would make the motion that this be referred to the steering committee to be debated as soon as possible, provided that we have all of the input we need to help us make the decision. Then we can keep in touch with you and let you know what is happening in dealing with this issue, which I agree is a very important issue. I think we have to pay very strong attention to it. Perhaps if I make that motion with that explanation we could deal with the matter now and provide some progress so that they know we are in fact looking at some way to deal with the whole matter.

The Chairman: Of course, that is including the jurisdictional aspect which was alluded to earlier by Mr Morin and justifiably so, because obviously we should not be dealing with this matter if it is not within our mandate to deal with it. So we always have to be cognizant of that and therefore we have to check that out. Mr Campbell has alluded to that now.

I have a motion on the floor. Are there any other questions before I ask for the vote on it? Do you have any comments, Mr Watts?

Mr Watts: I would just like to make a couple of brief comments. When we first saw the advertisement in the paper pertaining to this committee—I cannot quote the ad in the paper—I believe it mentioned matters pertaining to the Election Act.

Obviously, this brief does pertain to the Election Act, perhaps on a

much broader scale than this committee would hope to look at. So we felt that out of anywhere that we could see in any of the committees of the House, this appeared to be the place to start. Mr. Campbell has alluded to the fact that this may be the starting place and may take us somewhere else, and I think that is great.

In talking to some of the members of this committee, they also were not too sure if this was the place for this to be. Some suggested that perhaps it should be with Mr. Scott and some suggested other ideas. Nevertheless, because this committee was looking at the Election Act, which was something we definitely wanted to be involved in, we wanted to get it here at least and see where it went from here.

I think our second recommendation really brings that out. The second recommendation says: "That the standing committee undertake an in-depth examination of the issue of special political representation for Indian people in Ontario." If all the standing committee can do at this point is just get the ball rolling so that that begins to happen, then I think that we have achieved something here.

The Chairman: There are two points, Mr. Watts. One is that if there is a committee of the Legislature entitled to deal with that as such, then this would be the committee. There is no other committee to deal with it more appropriately than ours at this particular juncture. The other is that I have asked the clerk to forward a copy of the brief that you have submitted today to the Attorney General (Mr. Scott), because as you know, in the government he is responsible for Indian affairs and he should be apprised of the particular presentation that you have made today.

Mr. Campbell, do you have some comments or questions?

Mr. Campbell: I appreciate that this presentation has been made. By way of clarification, in my research I could not find anything as comprehensive stating a position of our Indian and aboriginal people. I think that it is a good starting point, given the fact that this act was to deal with the present act and amendments thereto. Basically, the philosophical changes that are being proposed here are somewhat out of the scope of this act, but it is not far off.

If it is a starting point of a consultative process, then I think we have achieved something very important today. I think it cannot be underlined more than by making my motion. We start the process and get the ball rolling because all three parties sit on the steering committee and are able to give their input from all sides. It is a very important first step that we may have made today, and I look forward to the continuing dialogue.

The Chairman: If there are no further questions or comments, then I want to thank you gentlemen for coming before the committee, for your well-thought-out brief and for the presentation today. We will be in touch with you through the clerk from time to time, to apprise you of the progress that the committee has made in the steering committee.

Mr. Farnan: I wonder, maybe it has already been taken care of, but you mentioned that the brief is being sent to the Attorney General. Have arrangements also been made to send the brief to all members of the House? I would encourage it.

Mr. Morin: I think the best thing to do, Mike, is to make sure where to go first, and after that perhaps distribute all the information.



Mr Farnan: I think that where to go is a critical issue. But when a brief with an idea is presented, it is a good brief and certainly has substance, then I do not think there is anything lost by simply giving this to members.

The Chairman: Well, Mr Farnan, I might inform you that if the two gentlemen wish to forward copies to all members of the Legislature, then they can get a list of all members and forward it. If they choose not to do it, then it is up to them.

Mr Farnan: I have just moved the motion.

The Chairman: That they do that?

Mr Farnan: I move the motion that the committee circulate the brief.

Mr Campbell: Could I refer that matter as well to the steering committee and then we can come back with a plain answer? I think that is the simplest way, if I might.

The Chairman: We have a motion on the floor that we send copies to all members and an amendment to the motion that it be referred to the steering committee. Obviously, the motion to refer will take precedence over the other motion.

All those in favour of referring it to the subcommittee? All those opposed? Okay. Thank you very much. That motion to refer is carried.

That does not preclude the fact that these briefs will be sent and it also does not prevent you from sending one to every member of the Legislature. It just means that the committee at this point feels that it wants to get more information before all the members of the Legislature start asking questions. They want to get more information so that they have some information to respond to the questions that may come from other members, and they may also wish to take it to the various caucuses.

At this time, thank you very much for coming before the committee and for your presentation.

Mr Campbell: On a point of order, Mr Chairman: We did have a prior motion to refer and I was not sure if that was carried or not.

The Chairman: I thought that was carried earlier.

Mr Campbell: Okay.

Mr Farnan: There was consensus for that.

Mr Campbell: A consensus vote. Thank you.

The Chairman: If I did not say so, I am sorry, Mr Campbell. I meant to do that. I thought I had. Your earlier motion to refer the matter to the committee was carried too.

If there are no other matters that should come before the committee, this committee is adjourned until next Wednesday the whatever it is at 3:30.

The committee adjourned at 1722.





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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

REVIEW OF ELECTION LAWS AND PROCESS  
ORGANIZATION

WEDNESDAY 28 JUNE 1989



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)  
VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)  
Breaugh, Michael J. (Oshawa NDP)  
Farnan, Michael (Cambridge NDP)  
Johnson, Jack (Wellington PC)  
Matrundola, Gino (Willowdale L)  
McClelland, Carman (Brampton North L)  
Morin, Gilles E. (Carleton East L)  
Sterling, Norman W. (Carleton PC)  
Stoner, Norah (Durham West L)  
Sullivan, Barbara (Halton Centre L)

Substitution:

Fleet, David (High Park-Swansea L) for Mrs Sullivan

Clerk: Deller, Deborah

Staff:

Yeager, Lewis, Research Officer, Legislative Research Service

Witnesses:

From the Office of the Chief Election Officer:

Bailie, Warren R., Chief Election Officer

Stewart, Alan, Special Adviser (Legal)

Wells, Lorie, Chief Election Clerk and Information Officer



LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 28 June 1989

The committee met at 1542 in room 151.

REVIEW OF ELECTION LAWS AND PROCESS  
(continued)

The Chairman: I call this committee to order. You will recall that the business we want to discuss today was the amendments to the Election Act, 1984. All of you have a copy before you, which has been prepared by the returning officer, Warren Bailie, and his two assistants, Alan Stewart and Lorie Wells. If the three of you come up and take your seats, we can proceed.

I understand that one of the members here has to leave about four o'clock. I am not sure whether we want to continue beyond that. It presents a difficulty. I guess it depends on what we are going to do beyond that. I do not know how long it will take us to go through this or whether you have a lot of questions. So we will just play it by ear and go as long as we can.

Mr Bailie, do you have any comments?

Mr Bailie: Yes.

The Chairman: You may want to comment also with regard to this letter—members have received a copy—to you from Sean Conway, with regard to citizens of Ontario who live here and work in Quebec and people who live in Quebec and work here. Do you want to go over that?

Mr Bailie: Perhaps I should mention that I was asked to appear before a committee in Quebec studying the Election Act and make a presentation and answer questions. One of the subjects discussed was this item here. Evidently there is a large number of people whose residence generally speaking would be Quebec, but they live and work in Ontario. They presumed there would be some Ontario residents who would be working and domiciled in Quebec. They want to have some legislation in place that would allow them to have the time off for voting. Of course, the difficulty is that the businessmen in either province say: "There's no election here. Why do you need the time off?"

I just told them they would need to get in touch with the government House leader; for legislation, especially interprovincial legislation such as this, something should be addressed to the government House leader. Then he has addressed the letter to me, saying basically that if Mr Gratton or Mrs Barry contact me, it would be okay for me to discuss it with them. That is all I really know about it. I do not think it is a pressing issue.

The Chairman: I think it would be helpful if we had some information as to how many people we are talking about and the inconvenience. The problem is: Do the people from Ontario who work in Quebec, if there is an election going on there and they cannot vote, still get the time off? Do they still get the three or four hours off even if they cannot vote in Quebec? It is the same thing within Ontario. As you know, they have to have X number of continuous hours off in order to be able to vote. Do the people from Quebec get it off here if the place works till six o'clock, for instance?

Mr. Bailie: You see, if a person is an elector and they ask for the time off to vote, they must be given three hours under the Ontario Election Act. It is more likely to be that someone who is a Quebec voter asks for the three hours off—they work in Ottawa, let's say—and their employer says: "What are you talking about? There's no election here," and they say, "There is where I really live, which is in Quebec." We have not had come to our attention any requests or any complaints that this was a problem in Ontario.

The Chairman: Mr. Johnson, you have a question?

Mr. J. M. Johnson: I do not think it is a problem. If they are entitled to three hours off for a provincial election, they would be given that when the Ontario election occurs. Those who reside in Quebec, if we go this route, would then be allowed to have three hours for the Quebec election. They both occur once every three or four years. We are not talking about a major thing. I would suggest that Mr. Bailie work with the people who have drafted the letter and see if there is a problem and see if we cannot resolve it. It is not going to impact on the economy of the province. They are entitled to three hours for an Ontario election, so they gain three and lose three.

Mr. Bailie: The only difficulty might be that in Quebec, up until recently, they got four hours off for voting, the same as the federal. I believe that in the proposals they had before them, they were going to go to three hours, the same as Ontario. If you like, I will follow up on this and just come back with the wording.

Mr. J. M. Johnson: Providing it is—

Mr. Bailie: Reciprocal, that it be the same.

Mr. Morin: I totally support what Mr. Johnson has advanced. I think it is only fair. I live in Ottawa myself and I can recall many occasions when people living or working in Ottawa just could not get the authorization to go over and vice versa. There is only a bridge, you know, between the two large cities. I think it is common sense.

Mr. Bailie: It would not be difficult for us to draft the wording. I understand there are quite a few reciprocal laws of this type between Quebec and Ontario. It is just another one to add to the list.

The Chairman: Is this something members want to keep in abeyance, and in the meantime Mr. Bailie will try to work it out, or do you still want to proceed with the rest of it?

Mr. Bailie: I will follow up on it.

Mr. Campbell: I think the wise course of action is to get the information, meet with our Quebec counterparts. I expect they are facing an election before we will be in Ontario and that is why the urgency at this point in time. I think that if there were any urgency, this committee could deal with it in the regular course of action before the rest of these proposed amendments go through in bill form. I think it is wise to monitor the situation and take the appropriate action when Mr. Bailie is finished his discussions with the Quebec authorities.

The Chairman: Yes. It is probably something that involves the governments, because we are going into reciprocal action here. It is probably

broader than what we might want to acknowledge at this particular point. I think we have to be cautious when we get into this, although in spirit I do not think anybody is opposed to it.

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Mr Bailie: I will follow up on it and report back.

The Chairman: Does anyone else have any questions?

If you have any particular questions with regard to the submission before you, the explanatory notes are there with regard to the Election Act. As you know, Mr Bailie and his colleagues took this to legislative counsel. They have dealt with it --

Mr Bailie: If I could make a suggestion, you will recall that at our last meeting we did not deal in very precise detail with the two or three items, because we wanted the legislative draftsmen to have a look at them first before we worried about the precise language. It may seem a little strange, but if you permit, if we could go to the last page and deal with it first? Political affiliation on the ballot, restrictions --

The Chairman: You are talking about page A-2?

Mr Bailie: Yes.. You might say we would be going to where we left off.

Mr Breaugh: I have no problem with that. It seems to address some of the issues we have brought forward. That is certainly acceptable to me.

Mr Campbell: I think we are still down to the issue of who makes the decision, whether it is the constituency or the president.

The Chairman: Or the leader.

Mr Campbell: Or the leader. We seem to have included, on my quick reading of this, the constituency but with the leader filing in writing the statement with the party. I think it causes some complications here, and I would like to spend some time looking this over more than just the wording as it is. I think you have met the principle as we left it, but I am not sure that is where we want to be, at least from our caucus's perspective. I would like some time to deal with it before we give a yea or nay, because this is the first time we have seen the wording. If we could do that, I would try to get it back at our next meeting. I would so undertake if that is agreeable.

Mr Breaugh: Of course, that does depend on how we proceed from here. If I could make a suggestion, it seems to me that we now have a bill drafted. I am not concerned that the drafting of the bill is perfect at this point, because the bill is not going to be dealt with. I guess it depends on how we proceed from this point.

We had talked earlier of a process whereby the chairman of the committee would table draft legislation, such as we now have, and ask the government to introduce that in some form as a regular government bill or to deal with the matter as is presented by draft legislation. Any concerns any member might have about the matter could be dealt with in several ways.

First, if we table a draft bill and then ask the government House leader to introduce the legislation at a subsequent date, obviously you will have the



opportunity to caucus on the matter and to make any choices the government might have about accepting, rejecting, whatever. The downside of that, of course, is that you lose some of the three-party agreement in doing so.

I would have no problem in some variation of the theme of having the chairman of the committee table a report which includes a draft bill, and at a subsequent date you would choose which option you want. Do you want the government House leader to introduce the legislation, or do you want the legislation to be introduced in some way by means of a committee report and the government House leader calling that order? Whatever your choice might be, you would not have to make that choice now.

I guess it depends on how you intend to proceed from this point. I must confess I am intrigued by the notion that in order to keep it with all three parties in agreement—and there is no real political agenda on anybody's part except a very neutral one—we do so by means of the chairman of the committee tabling a report which includes a draft bill with, at some subsequent date, the government House leader simply calling that as an order or introducing it as a bill in the normal way.

I have no real problem with it either way. I have my own preferences on it, but I understand your point. To be honest about it now, all of the political parties have a stake, obviously. If we are going to recognize them in the electoral process in this way for the first time, they will have comments about it. I think it would be only fair to table the bill as a draft included with the committee report at this time and give everybody some opportunity to take a look at that before you proceed with it, whatever your options might be later.

Mr Campbell: If I might respond, I take no issue with the basic tenor of what is being said. Obviously, I think we have come down to a fair agreement. All along, of course, I have dealt with my caucus on the issue and tried to get a feel for the thing, so I feel comfortable with that.

If by a draft bill you mean that that is different from a normal committee report with no draft bill but with recommendations, I do not know whether that is really appropriate. I am not sure whether that is appropriate. Of course, I am not as experienced as my colleague in matters of the House and the House rules. I admit that, but I think I do have enough understanding of the process to know that as far as this issue goes, and I believe it is the last one, we have some difficulty working it out.

I would much prefer having our committee in agreement as much as possible so that it might speed the process along, if in fact all three parties are committed, and I believe they are, to electoral reform in this province. I just do not want it bogged down somewhere. That is why I raise the concern now rather than having it raised later.

Mr Breaugh: Then what you might want to do, Mr Chairman, is to exercise this option. When you present a committee report, there are two ways to do it. You present the report, which effectively means it is tabled in the Legislature for people to see and to think about, or you present it in motion form, where it can be adopted.

It seems to me that if your preference is to have some time to think about what you might want in the bill or all the little innuendoes in each particular word, you would exercise the first option. You would ask the chairman of the committee to table the report and not ask that the motion be adopted.

He would have the opportunity to present a report to the assembly. There would be a draft bill attached to it, but it would simply be tabled in the assembly and printed up. You would subsequently bring along either a motion to adopt that draft or a new bill would be— In other words, you would choose your other options at a later date.

Mr Campbell: I have no problem with that. We discussed it in our caucus very thoroughly recently. We have come down to basic agreement with the positions, and I do not have a problem dealing with the first option. Way back when we started this process in April, that was the course of action I understood this committee was going to recommend to the chairman to entertain.

I wanted to express the concern of our caucus now, though, immediately rather than later, so the other two parties knew we stood on this issue of presidents and we have some difficulties with it. I raised the issue for that reason.

If we want to follow that procedure, I am willing to go along with that. I have no problem with that, but I just want it understood that our caucus is in basic agreement with what is being proposed. If we were in report form, I think the course of action would be to give us some time to clarify; unless we want to do it in this committee, if we want to do it in this committee beyond this now and go to the Legislature in the form that is being presented here today. I have no problem with that either. I just wanted to make it perfectly clear.

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Mr Breaugh: Could I ask if there is general agreement among the members here to do it in that form? That is, we would present a report which would be tabled in the assembly. In all likelihood, there would be this draft bill to present with that, but that would be the format. We would not put the motion to adopt the report but simply present it and it would be tabled.

Mr Campbell: That was my understanding.

Mr Breaugh: If we are in agreement we will deal with it and proceed.

Mr Fleet: Can I ask a question at this point just to be clear in my own mind? Are all sides saying that this is the only issue that stops it from going forward as a bill, in effect, with the full recommendation of the committee?

Mr Campbell: I think so.

The Chairman: I think there are a number of questions here. One is whether you want it to go forward as an amended bill or whether you want it to go forward as a report which includes amendments to the act. From our standpoint or from what I understand the committee wants, they do not want an amended act but they want a report submitted which would incorporate some of the amendments.

Mr Campbell: If I can answer further, yes, this is basically it, at least for the members of this committee. There is some slight disagreement on the process of who makes the decision and who is the candidate that appears on the ballot carrying party affiliation, but basically we have agreed to everything else in this draft.

Mr Fleet: I remember I was part of the discussion when this came up before, at least on one of the occasions I was substituting. My sense would be that getting it thrashed out in committee is more advantageous, knowing just how the House otherwise operates.

My own sense at the time—and this wording rather resembles what Norm Sterling was advancing, as I recall that discussion—was a kind of, "You can be certified and then it can be withdrawn." That was what he specifically mentioned. But because of the way the three parties operate, my own sense is not exactly the same. There are some differences in nuance, and I remember it relating to my own experience in that respect.

My sense would be that if it can be done here, that would be better, but if it is going forward as reports, then there is another option that is not being mentioned which is that we could put forward two different proposals, option a and option b, as opposed to just this. It would be clear what is being contemplated at the committee, so that we are not putting forward a report and then engendering undue debate about other possibilities everywhere else.

If this is the only area where the three parties have not come to a full agreement, then it seems to me it is worth while to try to keep it focused on where we have agreed and keep the extent of the debate, as it were, focused on the one area that perhaps is not agreed upon totally. I still would prefer to get it done here; if we can get an agreement here it is preferable.

Mr Breaugh: One of the reasons I would choose the system of tabling a report is that I do not think this is the kind of thing where it is our job at this stage to do clause-by-clause on it. What I prefer is to table a report with a draft bill. Anybody who is interested in the matter then can see the general direction in which we are headed.

There are a lot of people in the political parties working at the local level in different caucuses who obviously have a very serious vested interest in this. I would not want it to proceed in the next few weeks or so. My idea of the timing of this is that we table a report with a draft bill now. Some time in the fall of this year we would make our final decisions about how to proceed with that, and then it would get the normal process that any other bill would get that is being introduced for first reading. It would go out to a committee for clause-by-clause so that it gets a good, thorough going over.

My preference is just to put it on the table now in draft form, let everybody have lots of opportunities to take a look at it and go over every word in there and then bring it through the normal legislative process at a later date, probably some time next fall.

Mr Campbell: I concur with that, because as I understand it, I think all three caucuses have seen at least a format of what we are planning. My understanding is that all three basically agree with the major thrust of this proposed legislation or report.

To try to move the process along, I could suggest that I feel comfortable enough—my caucus, certainly—to present a report with some sort of draft bill so people can reflect on it and therefore proceed with the process so it is not lost in the summer, and come back in the fall in that form and get dealt with at some other point. I would much prefer going ahead this way so that all parties and all groups who would be interested, as my friend from across the table has said—I think perhaps we are at that stage. I might suggest that that be entertained by you.



The Chairman: I have some other people who want to speak to this.

Mr J. M. Johnson: I like Mike's suggestion and support it. When we are through with this, I would like to ask Mr Bailie a question.

The Chairman: Then you would like to debate this?

Mr J. M. Johnson: I support Mike's proposal.

The Chairman: Okay. So the proposal, which is going to cover this section, is that you wanted to go ahead with the way this is here, or do you want more time? I know Mr Campbell indicated earlier that he wanted more time to look at this. I want to be clear on what---

Mr Campbell: I appreciate that. What I was really trying to say is that if we were going in the form of an amended bill, I would have to withdraw support, but as we are looking at a report form which carries a draft, I think we can solve it in that intervening period. I have no problem going ahead and using that process. The only concern I had is if we were entertaining an amended bill, I could not support what was in here and I would have to have some more time.

I do not want to hold up the process. If we can go with the report with the draft attached as we see it, I have no problem proceeding to the House with a recommendation. I just wanted to make that clear.

The Chairman: Mr Breagh is prepared to make a motion, but before we make a motion, there may be other areas in here you may want to touch on. I am not sure that motion was going to include this whole thing, Mr Breagh.

Mr Breagh: Maybe I could assist you a little. I would move that the matter be done in report form and presented---that is, we do not ask for a motion to approve the report, we simply present the report---and that the draft bill be attached to that report. If we proceed in that way, I think we have gotten ourselves what we want. It is simply that the report be presented and that the draft legislation be attached.

The Chairman: The clerk has some concerns.

Clerk of the Committee: I just need something clarified. In the report to which the draft legislation would be attached, do you want any commentary about the committee's concerns regarding that particular section?

Mr Breagh: I do not really think it is necessary and it may not be advisable in this instance to get into much of an opinion thing.

Clerk of the Committee: So in the report that you want attached to this, it is simply a report explaining how the committee proceeded, what led up to this and this is what they have come up with for the consideration of the House.

Mr Breagh: Exactly. I think that would be the better option.

Mr Campbell: Mr Chairman, I did understand you saying at the beginning that there were some members who had to leave. Again, to expedite the process, I would not mind co-operating in that way with the whole thing, because if we are going to deal with one issue, of course the rest will be open to deal with, and if there were any comments or questions, I would not

have a problem that way; if this procedure is used, and I expect that it would carry if all three support it.

The Chairman: Okay. We have a motion by Mr Breaugh to deal with the procedure. If there are no further questions on that, I will put the question. All those in favour? Opposed?

Motion agreed to.

Do you have other questions?

Mr J. M. Johnson: Mr Bailie, I am confused. Subsection 27(9a) says if a candidate "wishes to have the affiliation with that party," and then we get on to subsection 34(7) and it says: "The political affiliation of each candidate endorsed by a registered party at the time of nomination under section 27, or the word 'Independent' where a candidate has not been endorsed by a registered party, shall be set out under the name of the candidate." What is the difference?

Mr Bailie: We are dealing with the concept there at the first. Down below we are dealing with the actual action of how it would appear.

Mr J. M. Johnson: In 9a it says they may if they wish. That means they do not have to?

Mr Bailie: Yes. We have to contemplate that. We are starting now from the premise that here is a man who comes forward as a candidate. He does not come forward as a party entity; he comes forward as a candidate. He says: "My name is Jack Johnson. I want my name to appear on the ballot as Jack Johnson, not John Johnson, and I want the political affiliation of my party to appear under." In other words, those are his wishes, so we record that wish and print it accordingly.

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Or he could say: "I am a candidate. I am Jack Johnson and that is it." So I say, "If you have no political affiliation, the act requires you to be listed as an independent." He might say, "Fine, that's what I want." I cannot presume when a person comes forward that he will automatically be a member of a party, first, or that he will want the political affiliation on the ballot.

Mr J. M. Johnson: What does section 7 say, then?

Mr Bailie: "The political affiliation of each candidate endorsed by a registered party at the time of the nomination...or the word 'Independent'...shall be set." In other words, on the ballot will be set the political affiliation of the candidates who have registered a political affiliation, and every other candidate will be listed as an independent.

Mr J. M. Johnson: It would be Liberal, New Democratic Party, Conservative or independent?

Mr Bailie: Or Green Party—

The Chairman: Rhinoceros or whatever.

Mr J. M. Johnson: It "shall" be, so I do not have the choice of not having an affiliation.

The Chairman: You have the choice of having a political affiliation on there. Either Progressive Conservative, NDP or Liberal or whatever it might be, if there is a registered party. If that is lacking, the word "independent" would be beside your name.

Mr J. M. Johnson: I read that it shall be set out under the name of the candidate. Yet I thought you said we did not need any, that you do not need an affiliation or even "independent;" it can just be the name.

Mr Bailie: When we discussed this at the last meeting, my understanding was that the committee wanted it to be the two options: a party affiliation, a registered party, or independent. In about half of the jurisdictions in Canada, the provinces and so forth, you have an option of "independent" or blank or party affiliation. In the other half, you have the option of one of the parties or you are listed as an independent; there are just the two options, and I understood this is the one we would proceed with, but it would be up to the committee to tell us.

The Chairman: Everyone understands that part? In half the provinces it says the political affiliation, and for the independents it is blank; it does not say independent. For the other half, political affiliation—

Mr Bailie: No. In about half of the jurisdictions where this option of political affiliation is available, the candidates who are not entitled to have the party affiliation or who do not wish to have it have two options. They have the option of being listed as an independent, but some candidates might say: "No, I don't want that after my name. I just want my name there." In two or three of the other provinces, it must be independent or political affiliation.

Mr Fleet: There is some advantage, from the point of view of a registered party and having a registered party system, in forcing an independent candidate to be labelled as an independent. The advantage would be where you had a name that was identical or similar to a candidate of a registered party. For instance, in Wellington, you have Jack Johnson running and it is Progressive Conservative; somebody else with the name Johnson wants to run and his name is, say, Albert Johnson and appears just ahead of Jack Johnson on the ballot. If that individual is forced to have the label independent, it gives some greater ability of Jack Johnson the Progressive Conservative and the incumbent to be distinguished when an elector is quickly casting his eye down the ballot.

That would be at least once instance. The other thing, I suppose, is that it helps potentially with those candidates who run deliberately confusing types of campaigns. There is another provision on this very page that deals with false claims, where somebody takes the exact name. But if somebody would to take an analogous name—instead of Progressive Conservative something close, for instance—and used that in his whole campaign, if he is forced to have the word "Independent" on the ballot it is a bit of disincentive to doing something that is playing at the edges of the rules.

What it means is that if you want to run as an independent, that is fine, but you are an independent and you have to declare yourself clearly on the ballot in that way.

Although I would be open to hearing other views, I would tend to say that forcing somebody who is running as an independent to use the word "Independent" means he is declaring what he is. I guess that is the point of



having party affiliation, so the electorate knows the nature of the person, the representation of the person who is running in each case, whether with a party or without.

Mr Matrundola: Perhaps what Mr Johnson and Mr Bailie were saying is that one would have the option of "Joe Candidate" without Liberal, NDP or PC beside the name; one would be able to have it or not have it at the choice and option of the candidate. Am I correct?

The Chairman: Yes, although Mr Fleet has given some reasons why you would maybe want to put "Independent" there.

Mr Matrundola: Or whatever they want. This would mean that if the three major parties in Ontario run candidates in every riding, you could end up with 20, 30 or 40 candidates from different ridings who may want to have the party affiliation and some may not. In other words, I may say, "Gino Matrundola, I choose to put Liberal" or I may choose not to put Liberal. David can make his choice, and Mr Johnson may choose to put PC or nothing or Independent, or whatever. That is, I believe, what we are discussing: to give the choice to the people.

Mr Campbell: I think the philosophical bent, at least as I understand the committee, was that it would be a registered party or Independent, the reason being that there was some discussion, as I recall, about the federal ballot. We were looking at the federal ballot as sort of the pre-eminent one that everybody deals with, which carries the word "Independent," as I remember it.

The other factor, of course, is that if you are a party that is not registered but you are a fringe party, it prevents you from playing with the rules a little by having blanks to fill in. If we are going with the party affiliation on the ballot, then I think we have to go all the way to make sure that only registered parties have the advantage of being considered by the electorate, and those fringe parties that are not registered parties do not have the opportunity to appear on the ballot somewhat different from all of the other parties.

That is my concern in this whole process, that the person can say, "I'm the only Independent" or "I'm the only party, but I can't have my affiliation on there." But if everybody is affiliated with something, even if it is the word "Independent," I think it gives greater fairness to the electorate we are trying to serve by doing this. I am very much concerned that some fringe party comes in and says: "I choose to be blank and that's my party's strategy. You know, they're the blank candidate and everybody else is an independent." It does give them a bit of an unfair advantage, given the situation.

I think it is an unfair advantage. The other parties, to register, have to go through a very involved process, through the Election Finances Act and your office, sir, and I feel it is very important.

However, if there is to be debate on this I think it could be in the category of the same thing we have dealt with; that is, presidency versus premiership or leadership of a party. I think that may be something we could debate further once this goes through draft form.

Mr Matrundola: In thinking about it, quite frankly, it would create

some sort of confusion. If the candidate is affiliated with a party, I believe it is proper to have the party next to the name; if a person is running as an independent, then to have "Independent." But I do not think it makes good sense that within the same party, some people have the party affiliation and some people do not have the party affiliation.

After all, if I am running under the Liberal banner, I am proud to run under the Liberal banner and I want the word "Liberal" there. Anybody who is running with another banner, with another party, should be proud to run in that party because, otherwise, it would confuse.

The problem with that will come when each candidate, upon filing the papers, would have to specify clearly whether he wants it or not, and so some end up having the party affiliation and some will end up not having the party affiliation and there will be misunderstandings, and so forth. So I believe we should be pretty well standardized.

The Chairman: The confusion could really mount if, and using the example of Mr Johnson's name, you had a candidate Jack Johnson, Progressive Conservative; you had another candidate John Johnson, who was independent; and you had another candidate on there, another John Johnson, who did not have anything there, blank. People would say: "One is Progressive Conservative. One is independent. What is the other guy?"

I think they could choose whether they were going to put the label of Independent there or leave it off. I think the committee is unanimous in wanting to have "Independent" on the ballot.

Mr Campbell: Or a political party.

The Chairman: Or a political party, yes.

Mr Bailie: Just a point of clarification that might help: I will try to deal with Mr Johnson's question first. The reason that we say "wishes to have" is this: Just picture someone sitting at a desk and the candidate comes in, gives his name, and may give us additional information, like he is a member of this registered party. He indicates then that he wishes that to be on the ballot.

Now, a candidate may come in and register with one of our offices and he leaves it blank. Suppose, as might happen to one of the parties here, we often hear around election time, that it is a registered party in Ontario and it never comes up with enough candidates. All of a sudden, they say: "I kind of like that candidate there. I think we will send in a letter from the party saying that we want our designation under that man's name." The candidate has no wish to be known as the CCC candidate, so it has to be the party affiliation that the candidate wishes.

We know there is one party that every once in a while gets the endorsement of another party, which it considers the kiss of death and it is offended by it. It has to be the party that you wish there, and that is why we have the word "wish." If you left it blank and some other party had the right to say, "We will take care of him. We will tell them that he is a friend of ours"-----

The Chairman: So you have the right to run under the label you want to run under.

Mr Bailie: Right.

Mr Campbell: I think that is fair.

Mr Bailie: That is why we have to say "wishes."

Mr J. M. Johnson: So the identification of the party will be on the ballot, or "Independent." Okay.

Mr Fleet: If I can raise another small point—

The Chairman: Okay. This has been dealt with, then. You want to raise another point on another subject?

Mr Fleet: Yes, on the section just below. Perhaps Mr Bailie or other people from the committee can tell me whether there was any thought given to expanding the provision involving false claims. The new proposal, which I agree with as far as it goes, would potentially penalize a candidate who was using an improper party label, somebody who purports to appropriate a party label that he or she has not earned, but it does not appear to penalize anybody in a campaign supporting that candidate.

I do not think I would want to hold up this report going forward over this point, but I am just wondering if there has been any thought given to either altering this provision or having a parallel provision that would involve any person who knowingly does all of the things that are not supposed to be done.

Mr Bailie: I just want to draw to Mr Fleet's attention that this is the first time the committee has actually seen this wording.

Mr Stewart: It is the first time it has been discussed.

Mr Bailie: It is the first time it has been discussed. It could be that it would be wise to add something to that. "Every candidate or any person purporting to represent a candidate" could be added in there. It is probably a good point.

Mr Fleet: Typically, these involve small numbers of people, but it is not usually just the candidate alone who goes off on these ventures. It seems to me that if there is a small group of people who are causing a problem—or you could even have it, I suppose, where you never had another candidate. You could have a group of people deliberately trying to cause a problem in a riding, cause difficulty for a duly registered candidate. I would urge that be given consideration in due course.

There were a couple of other points that you did indicate—

The Chairman: Yes. I am just wondering whether Mr Bailie wants to flag some of the areas in here that members may draw their attention to. Unless it is necessary, I do not want to go through every clause to make changes.

Mr Bailie: Okay. Would you like to go back to the first page now?

The Chairman: We can go back to page 1. There is nothing in the explanatory notes that we should flag, I presume. We can go on to page 1.



Mr Bailie: Perhaps I could just briefly mention some points that I want you to be aware of.

In section 4, you might wonder about the wording there. It says, "The power to give a consent is deleted." You might think that is a strange wording, but we have a Charter of Rights implication there that we are trying to deal with.

In other words, the chief election officer is concerned that by saying a close relative of a returning officer cannot be the election clerk—because we have found from experience that has not worked well; the job is becoming much too complex—we do not want the chief election officer to be in the position of discriminating against family members. The wording was chosen advisedly by the legislative counsel as the best way to handle that situation. It is a small point.

The other point is in section 5, "The proposed re-enactment of section 9 changes the day for the closing of nominations so as to permit advance polls to open two days earlier." I have brought with me some calendars that we can distribute which will help you understand the legislation. You can see the full effect of it, just so that it is amply clear to the members.

The Chairman: While that is being prepared, you remember that in the present act the advance polls are open up to two days before, and we have now gone to four or five days before the election that the advance polls are open.

Mr Bailie: Right.

The Chairman: Can you refresh my memory as to why we eliminated something very close to the election, aside from feeling that if people are going to be around, they are either going to be around at the advance polls or the day of the election?

Mr Bailie: Fine. That is one of the reasons I wanted you to have the calendar, so that it is clear that we have eliminated the two days in election week.

We have had representations from the returning officers and the political parties that they want to have an accurate list of everyone who voted at the advance polls so that they will have a day or two to peruse it before the actual polling day. Having an advance poll falling just two days before polling day does not give us time to get that list out. There is just no way. Because of the representations of both candidates and their returning officers, we propose that we do not eliminate any days but we start it two days earlier. There is considerable advantage to the general electoral population in that they can vote earlier, and if they are going to be here on the polling day, then they will more likely be there on Monday and Tuesday, as well.

The proxy system gives them right up until the night before polling day to have a proxy certified, so that week is pretty well covered. That was the reason, to allow us to have an accurate list to present to all the candidates of who has voted on all of these nine advance poll days so it can be perused by the scrutineers and the poll officials.

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The Chairman: And they can still vote via proxy if they cannot be there on election day?

Mr Bailie: Right.

The Chairman: So it does not preclude anyone from actually casting his ballot?

Mr Bailie: Right.

Mr J. M. Johnson: The first advance poll used to be on the 10th and it has been moved to the 12th.

Mr Bailie: Yes, and actually the first one, sir, is on the 14th and 13th, you see, in the returning office.

Mr J. M. Johnson: But the first wide-open---

Mr Bailie: Yes, the first area one was on the seventh, you see?

Mr J. M. Johnson: Yes. That is excellent. I think that is a tremendous improvement.

Mr Bailie: Now, I will just carry on with the points I want to carefully bring to your attention.

Let me deal with subsection 10(3) on page 2. We had a suggestion from one of the committee members that we felt was quite helpful. "The requirement for the mailing of enumeration notices to electors is replaced by a requirement that the notices be sent to electors." That is just one word but it was pretty important once we analysed it. Subsection 10(4) is the same.

In subsection 11(1) the amendment is really complementary to the move we have made with the nomination day. That is all that represents. We have to deal with the complaints two days earlier now because we have the advance poll two days earlier.

The next one that I would like to draw to your attention are sections 14 and 15 on that same page 2. Some of you may recall that we had a problem with a loophole in the Election Act and we have covered that by adding those words in all of the sections dealing with revision of the list. That means that during the time of revision, whether you are talking about it under section 22 or 24, a person may add only two electors.

On to page 3, section 17. If you want to make a side note here, it may help you understand. We had four or five cheques that actually bounced in the last election. When we drafted this legislation, I remember Tom Wells saying to me, "Let's face it, who would dare give a rubber cheque to the chief election officer?" Well, it is not a matter of daring, I guess, but two or three people did.

The Chairman: It is a matter of insufficient funds.

Mr Bailie: Actually, four of five people did. When they were notified, the matter was rectified very quickly with the exception of one person. People could take advantage of it, so we require cheques to be certified.

The Chairman: I am not really opposed to it but, on the other hand, I am wondering whether the four or five cheques were really a great inconvenience, and now you are going to inconvenience 300 to 400 people by having to certify a cheque.

Mr Bailie: About 500 people.

The Chairman: So it is that much of a problem that 500 people now have to get their cheques certified because of the four or five people. If it is a growing incidence, maybe we should address it some time in the future.

Mr Bailie: That is all there were the last time, four or five; three were corrected immediately, one shortly after and one never.

Mr Morin: Was there a pattern to it?

Mr Bailie: I do not think so. It is the first time. I do not think it is very serious and quite frankly I did not really think about the fact that approximately 500 people would be put to additional work. We do not have a strong feeling about it.

The Chairman: As far as I am concerned, I would just as soon leave the word "certified" out and hope that we will not encounter it. If in fact we had 30 or 40 people all of a sudden, I would see that as a real problem and we would have to correct it, but I do not at this point. I just know that when I do have to get a certified cheque, it is a real inconvenience. You have to go down, da-da-da-da-da-da, and everybody is very busy.

Mr J. M. Johnson: I would agree with Herb. If the cheques bounce, take it out of his salary.

The Chairman: If mine bounces.

Mr Bailie: We certainly would not disagree with that. We will see that is changed.

Mr J. M. Johnson: You did say that you did collect before?

Mr Bailie: All except for one, yes.

Mr J. M. Johnson: That is fine.

The Chairman: In that case, would he still have been the candidate? They would not end up on the ballot if they did not meet the conditions, right?

Mr Bailie: The only trouble is that someone could bring in a cheque at one o'clock with his nomination papers. We do not know for three or four days—it says in the Election Act, and I think we have to have it this way because we have to get ballots printed, that once the returning officer has accepted the nomination paper, it cannot be challenged on any grounds. Otherwise, there would be an uncertain period; we would have to say, "Oh, we have to wait until we get these cheques and these money orders cashed." We would not be able to proceed with ballots. I think we have to run the risk there might be the odd cheque.

The Chairman: Let's put it this way. If someone were to give you a cheque which did not have sufficient funds in the bank and then they were elected, you would certainly get your money.

Mr Bailie: Oh, yes, I would get after them or we would ask their caucus to.

The Chairman: Yes. You would certainly get your money. You could not have somebody who was elected who had not paid.



Mr Morin: On the other hand, could it be a technicality, though? Say his cheque bounced. Could he still be accepted as a candidate?

Mr Fleet: Could he be denied the opportunity to sit?

Mr Morin: Yes. That is important.

Mr Bailie: If he failed to meet the qualifications.

Interjection: You said his nomination was accepted.

Mr Bailie: In the administration of the election, we think it is very important that when a nomination paper comes in the process of checking it be as neat as possible, because two or three could come in just before the close of the nominations.

The only other process I could think of would be that the returning officer would say, "Just a minute, I'm going to go to the bank to make sure this is all right." Then we could not announce the candidates, because we would have to say, "There are three and we're checking on a cheque."

I think I really like the chairman's suggestion that we will handle it. It is not that serious. In the last election we lost \$200, that is all, out of 517 or 519 candidates.

The Chairman: Okay. I think we will delete that word. Next?

Mr Bailie: On section 20, I just want to draw to your attention that the subsection allows a deputy returning officer to require a challenged elector to make an affidavit of eligibility. Currently, the poll clerk's entry in the poll book that an oath was taken is the only documentary evidence of the administration of the oath.

We have some concerns about this. There are more and more people being vouched for at the polls and it is our position that we need more evidence in case we have to proceed against somebody or even to check. Having something in writing where the person has written his name and signed it and taken an oath is definitely much preferable for administration. I want you to know that is a clear change.

If you turn to the first page of the bill, there is another piece of information I would like you to have. It is that we have had a survey of one of our institutions about the inmates. For your information, on a given day the number of inmates was 393, 17 of whom had no known address in Ontario but might be described as or claim to be Ontario residents, which amounts to five per cent. If the inmates are required to use the proxy system, as we are here recommending, they would then have to use their last known address and only five per cent might have no address and we would have to deal with that by saying, "Okay, you can use the address of the institution" or maybe even give them another option.

Evidently we are not going to have to be concerned that there would be a large number of people affecting that electoral district. It is in the order of five per cent to nine per cent, which is what we were told originally. I just wanted you to know we checked that out so you would have that information

Mr J. M. Johnson: Better check that one with Ken Keyes and Rick Ferraro.

The Chairman: Yes. That would be up to five per cent; maybe slightly larger in selected constituencies.

Mr J. M. Johnson: But you are only talking 17 people.

Mr Bailie: No. We are talking about people with no known address. The number in that institution was five per cent. Certain electoral districts---in one of the city centre electoral districts in Toronto there are 22, and that would be just a little over five per cent. I think the highest was about six per cent in one electoral district. They are pretty well spread, 393, the highest being about 22, which would be no more than six per cent.

If you could turn to page 2, I want you to be aware, after all the discussions we have had about the different categories of voters, of temporary absence. I will just read it, "For the purposes of this act, no person ceases to reside in Ontario solely by reason of temporary absence."

People who are serving overseas at the direction of the crown or over there for business reasons or for an extended holiday or recuperation in a warmer climate, if they maintain throughout the whole period of absence the intention of being a permanent resident of Ontario and of returning to Ontario at the end of the period of absence, then they will be considered residents of Ontario and be allowed to vote.

What this means is that they would have to maintain this intention. In other words, if they went to England and stayed there for two or three years and voted in the English elections, that would be one of the questions we would ask them. They would have to satisfy the returning officer that their intention was maintained, and voting in a foreign election would indicate that they had not maintained the residence. Other than that, people overseas would have the right to be considered if they applied and, of course, because they could not get to the poll, they would vote by proxy.

It could include people who were overseas for quite a while and returned just three months before election day but, because of the rules as they stand now, would not be allowed to vote because they had not been in Ontario for six months. They could have lived here for 20 years. They have been out of the province for six or seven months and returned just a few months before election and their absence was slight, but there is the strict six-month residence rule. We would call that a temporary absence. If the person maintained throughout the whole period of the absence his intention of returning, he would be considered to have resided in Ontario.

Those are the main points I want to draw to your attention to help you as you are studying this before we meet again.

The Chairman: Mr Fleet, do you have a question with regard to some of these?

Mr Fleet: Yes, I do. Because there are a lot of different provisions in here and, of course, not other provisions in the act, I am just trying to absorb the impact of some of the provisions that deal with providing declarations. I can appreciate that in cases where there are increasing numbers of people vouching for others, you want to have a document so that you have something to trace if you ever need to. That makes sense to me, and I am supportive of that.

Is there anything in here that deals with the process of challenging a voter? I was looking for it and I did not see it the first time I flipped through.

Mr Bailie: To answer that question, if a voter is challenged by the deputy returning officer, at the present time that voter just has to take an oral oath, not a written oath. If the scrutineer of a candidate or the candidate himself asks that a voter be challenged—in other words, he cannot challenge the voter directly but only through the deputy returning officer—the deputy returning officer would then have the option of administering an oral oath or, if he is not satisfied, an affidavit. Is that right?

We do not want to have an affidavit for every voter who is challenged through the process by the DRO or the scrutineer or a candidate, because it could be time-consuming at the end of the day. The DRO would have the option, but if he has reason to believe that this person is not who he says he is or she says she is, then we would get the affidavit and we would have something in writing so we could proceed later. There is still that option of just the oral oath on a challenge, but also the new option of using the affidavit to get something in writing.

Mr Fleet: You have outlined exactly my concern. I was concerned that there was nothing in here which altered the current process. I think the current process is the most you can do because you are balancing between competing interests. You want to allow for people to challenge if they have a bona fide concern, or at least indirectly they can urge the returning officer to do something, but you do not want to allow for an obstreperous scrutineer to slow down the process improperly. That is probably more likely, realistically, so I am pleased that the other provisions are in.

I notice also that you now have in a provision that deals with the matter that was the subject of litigation in the federal election with York North. Other than saying I thought that that was a good addition, I am satisfied for today at least, Mr Chairman.

Mr Bailie: I think it was a good recommendation that I take a careful look at that. The wording would cover the situation.

The Chairman: Do you want to proceed?

Mr Bailie: Those are the points I wanted to particularly draw to the committee's attention. I am prepared to answer any other questions.

Mr Fleet: There is one question I would like to ask.

The Chairman: Yes, Mr Fleet.

Mr Fleet: I am sorry. With elections I guess I can keep thinking of other things that might arise, but it occurs to me that the impact of two of the proposed amendments here would be rather interesting in terms of advance polls.

The impact of having a returning office that is open for polls for I guess eight or nine days, together with the alteration of giving reasons for voting early—in effect you do not have to give a reason other than to say, "I think I might not be able to vote and, therefore, I am coming to vote early." My experience has been that the information about the location of the area



advance polls, typically three in an urban riding, is not available until the last possible moment quite commonly, just because the returning officer is busy and it takes a little while to arrange that. Yet the location of the returning office is known to the parties.

The upshot of it is that I suspect the returning office is going to become a very busy polling location. Maybe it is in here, but I would be reluctant to mandate having to come up with an area of advance poll location prematurely because I realize the practicalities are difficult.

In effect, the impact of all of these changes together means that the returning office polling area had better be pretty efficient because you are going to have an awful lot of people coming through. Political parties inherently are going to have to rely on that because that is the one they are going to know about first. They are going to know with certainty that it is available in a certain location on certain dates and they are going to want to communicate that to people.

Mr Bailie: Yes, that is true. Another reason why a greater number might go to that poll is that candidates' offices would be wise to carefully be aware of the date that the poll is open in the returning office, because if somebody's name is left off the list, you would be wise to say: "Okay. No problem. You go to the returning office at such and such an address and go on one of these days. You can apply to have your name added to the list and vote while you are there, so you just have one trip."

We are setting up these polls as a separate advance poll. There will be two officials there. It is not a version of an advance poll. It should operate in pretty much the same way. However, in some cases, the regular advance poll, if it is drawn to someone's attention, may be several blocks closer and would be the preferable one. They have three days now in which to cast their vote there.

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Mr Fleet: The provision that is in these proposals that allows for your name to be added to a list on election day also is going to alter what people do. As a somewhat related matter, and this is not something that in my view requires any change to the act, but in the federal election there was a very curious development in terms of accessible polling locations.

In the area that I was familiar with in my riding, in an effort to have polling locations that were wheelchair-accessible, which were more limited in some areas of the riding, the returning officer selected locations which were infinitely more difficult for people to access—effectively you could only drive to them or take a bus to them—even though they were not very many blocks apart, but because of intervening things like railways.

People who would not be considered disabled in the ordinary sense but who are infirm in some degree so that they could walk a block or two, but they do not have a car and they are not very likely to travel a mile and a half or walk a mile and a half, were effectively disenfranchised by the decision to try to have a location that was wheelchair-accessible. This is in Metropolitan Toronto where theoretically these sorts of problems should not happen, but they did. I understood that this was a problem that did crop up.

The desire to have wheelchair-accessible locations is a very important one and I support that, but it may take some real care on the part of

returning officers not to end up disenfranchising a far greater number of people who have an element of an infirmity, typically senior citizens who may not just be as spry as the average citizen but who could walk to the end of the block to the school that they are familiar with, where they have gone to vote for many years. Then they get a card for a new location and they do not necessarily know where it is; it is farther away, hard to get to.

It is a difficult problem. I do not think there is a magic rule we can write in a piece of legislation to solve that. It is a question of judgement that people would have to exercise. I hope that kind of problem could be taken into account in the training of the returning officers because basically, once they make the decision, the candidates can point out the inadvertent injustice, but it will not do much good.

That is exactly what happened. The returning office in the federal election that I was dealing with, including the Ottawa office because I contacted it, acknowledged the problem and said, "There is nothing we can do about it." I felt that was unfortunate and I hope we do not repeat that experience.

Mr Bailie: I can assure you that our office is sensitive to this. I have given instructions to returning officers for years that in an effort to find an accessible poll, they must not say: "Oh, good, we found one that is accessible. Let's put 14 polls in here so that we do not have to look for more accessible polls."

We are aware of that and I was aware that there was a lot of criticism at the federal election. Returning officers are told that they can only move a poll or combine a poll if it is an adjacent poll. In other words, it has to touch the poll where the poll location is, which means, according to the guidelines, the greatest number that can be put in one building would be six or perhaps seven, not the 10 or 12 that you found in the federal.

We have been dealing with that for quite a few years and we will be continuing to say that we must make sure that the poll is accessible in distance for just that type of person, because I know there are a lot of voters who could actually walk up four or five steps if they did it slowly, but they cannot walk eight and a half blocks to the poll.

What you have said is almost word for word what we say to returning officers.

Miss Wells: I would like to respond to that because I am the one who trains the returning officers on this very subject. In my talk I say that the word "access" has a double meaning: "Access" means level access, but it also means "access" to the electorate. I think that is one of the reasons we do not have 100 per cent wheelchair-accessible polls, which is something we are working towards. To get the sawoff, you lose some of the full accessibility, because you have to encourage the people in the areas where you know you do not have a regular poll that is successful to use the advance polls.

Mr Fleet: One of the things you might want to give consideration to, although I realize this runs contrary to other concepts that are inherent in the law, is to consider using locations that are on the periphery, but outside the riding. In the case I was aware of, people could have crossed the road to a perfectly acceptable location, but instead of that had a mile and a half to go to one that was within the riding.

Miss Wells: We had the opposite problem. We had to send them just outside the riding to an accessible building that was still accessible to the electorate because the other situation would be to send them miles away.

Mr Fleet: I would rather send them to an accessible one that was one foot outside the riding.

Mr Bailie: We have allowed a returning officer to locate a poll across the road of a boundary. Except for one occasion, I do not think I have allowed it to be any farther than across the road. It makes sense because one of the difficulties we have is that when you start locating a poll for one district within another, it starts to confuse the electorate, but providing it is just on the boundary and it is accessible, we have allowed that for years now.

Mr Fleet: They were not allowing it federally and that was one of the problems. People were complaining and saying: "Why can't I vote right there where I can see it? Why do I have to go to this arena when I don't even know quite where it is?" That was the kind of reaction, so I am pleased to hear that.

Mr Campbell: On the issue of dealing with accessibility of polling places, it was certainly pointed out by one of the members of our caucus that we had asked that the Municipal Act have every poll accessible in the whole voting question. I think it is important to note at this point in time that approximately 75 per cent of the province is in an organized municipal structure and the other 25 or so per cent is in an unorganized structure, whatever.

To explain the difference, the Municipal Act, which makes those incorporated municipalities responsible for something, indicates a population base fairly central and a number of other things that the provincial act does not address because a large part of the province is in unorganized townships with no municipalities, but the ridings have to cover every square inch of this province. Therefore, you cannot make the two laws congruent. I wanted to make that point while we were dealing with this, just to explain the differences for the record. I am just asking if that is the explanation.

The Chairman: What you are saying is that is the reason it is not going to be mandated.

Mr Campbell: That is right.

Mr Bailie: We have the additional difficulty, over and above what the municipalities have, that if you are in the Municipal Act and every poll must be accessible, then I am not sure exactly how they do it, but they would at least have two years in order to effect that change. If we had two years' notice of when the election would be, we might be able to.

The Chairman: Those are two good reasons we cannot mandate it, but of course the policy is there to try to get every poll an accessible poll.

Mr Bailie: The general rules of the government, because they are sympathetic to this need when buildings, community centres or public buildings are altered in any way, is that they are now required to become accessible, so more and more of the building stock is becoming accessible. We are planning—as a matter of fact, we have a new model of a polling place with accessibility. We have it all set up to demonstrate it at shows and demonstrate it to returning officers.



We are going to have a model poll at the Canadian National Exhibition this year which will show the ramping needed and even the little ramp at the door, with proper door handles for handicapped people and so forth, and with tables with the proper height so that wheelchairs can go right up to them instead of back and leaning ahead. We are going to try to demonstrate our sensitivity to the needs of the handicapped at this poll at the CNE, not just to advertise to the public that we are sensitive, as it were, but we are going to have our returning officers manning that poll there at the Canadian National Exhibition. All these main points will be demonstrated in this. We will not only be showing the public, but our returning officers will have sensitivity training while they are on duty there.

1700

The Chairman: Any other questions?

Mr Matrundola: Mr Bailie, I believe it is the returning officer who will designate all the polls and polling stations and so forth, the voting places. If for any reason a candidate feels that perhaps a location is not appropriate, who does the candidate contact if there is a complaint about the voting place?

Mr Bailie: When the returning officers are setting up their polling divisions, we tell them to keep in mind that the most important element in a polling division will be the polling place. We tell them they should consult the political parties before finalizing their polling divisions. When a candidate or the association of each party is contacted by the returning officer who says: "I have just had orders now from the chief election officer to review my polling divisions. Do you have any suggestions?" that is the time to say, "Look, I think that poll is fine, but that poll location is bad for these and these reasons."

That is the first opportunity, but if it comes to your attention at any moment that a polling division or any other aspect of our operation is not appropriate, then you should call the returning officer. Under the act, it is very clear that it is under their authority and it must be delegated in that way. That is the person you should call.

Mr Matrundola: I recall one situation in the last election. Specifically, we brought it to the attention of the returning officer and the person said, "That is the way it is and there is nothing we can do." What happened—we really did not find this out until all the electors had been enumerated—was that people were calling the office and saying, "You know, I always used to vote across the road there and now I have to go out of the street, the main street, out to another main street." This was at Bayview Avenue and Steeles Avenue anyhow. The people used to vote in a school close by where there was parking. Now they had to go all the way out to Steeles, down Bayview and into Garnier Court and into the other place. It was very difficult for people to go there, whereas it would have been a lot easier if they had voted at this other location.

Mr Bailie: Yes. What you as members and candidates must keep in mind is that we cannot always get the polls we want.

Mr Matrundola: They had the location. They could have accommodated them. They have done it in the past. It took the people about two miles away, a mile and a half anyway. No joking.

Mr Bailie: It may have been redistribution, but I can remember that early on in my career as assistant chief I had a call from a candidate who knew me very well and she said: "Warren, I cannot believe it. Up here, just north of St Clair, they have an old people's home where there are practically all senior citizens and they have always voted in the building. Now they are being sent across Yonge Street to vote. I cannot imagine why this is possible. Why did they not just have the poll here?"

Because Margaret was a close friend of mine, I took the time to look into it. I cannot in each case. We found out that the returning officer had asked for this poll in the building as usual and they said: "No, you cannot have it. We are painting the party room." The returning officer said, "If we cannot have it, I will look for the next best available location." The only problem was that by election day the painting went a little faster and it was not being painted on that exact day.

The Chairman: They could very well have had it there.

Mr Bailie: It looked as though we very foolishly had moved a poll, similarly to the story you told us, for no good reason, but we were able to establish that was what the building manager had said to us and that is why we were told we could not have that poll.

We have the authority now in public buildings, but unless we have the authority under the act to say, "Look, that is the poll we want and that is the poll we have to have because of this particular electorate here and the needs of this electorate"—I think an office like mine, or any office of the government, has to be careful about imposing its will on independent landlords, but we still have some authority under the act and we still make a point of insisting to the point that we can. But every once in a while somebody just says: "No. I am sorry. You cannot have it. The last time they were here, there was a chair missing."

We were actually close to prosecuting one landlord in the last election. He just said, "No, you cannot have the poll." We pointed out to him: "There are more than 100 units in your building, sir. We have given you written notice 14 days prior to polling day. There must be a poll there. You could be charged." The Attorney General's office had the papers all drawn up, ready to issue the charge. He was consulted once more and decided we could have the poll.

We have the authority if it is 100 units or more, or any building that receives provincial funding, but some other building that might have—we did not know where to draw the line. That is just where we did it when the last changes went through the act.

The Chairman: You have the discretion if you need it. Thank you very much. I am not going to ask for a motion to have this referred today for obvious reasons. I think it is important that we do this next week if everyone is here. We will deal with it at that time. I am sorry to inconvenience you, Mr Bailie, Miss Wells and Mr Stewart, but that is the prerogative of the chair and I am going to exercise that prerogative. I hope you can make it again next week.

Mr Bailie: We will be here.

The Chairman: At that time, we will deal with this one time further. I hope it only takes a few minutes, but if members have questions, I will

entertain those questions. You will have a little more time to go through it and you may want to look at it a little more thoroughly. We will deal with it next week. I cannot promise you how long or how short that will be, Mr Bailie.

Mr Stewart: Is it desired that a revised version of this be done with the sections at the end in the addendum put into their proper place?

The Chairman: Good question. Yes. We would have the amended version next week.

Mr Campbell: Good answer, Mr Chairman.

The Chairman: Thank you.

Mr Bailie: We brought some additional copies of the Election Act with us and some copies of my report. If any of the members have mislaid theirs, we would be glad to distribute them.

The Chairman: You mean these reports here? The old Election Act?

Mr Bailie: No. The original report of the chief election officer, who started this process. We have those if you need extra copies—

The Chairman: I guess all of us have those. Is there anyone here who does not have them?

Mr Campbell: Maybe you could bring them back next week due to the sparsity of bodies here.

The Chairman: If someone needs it, they can see Mr Bailie after the session is over.

#### ORGANIZATION

The Chairman: There is one other thing we have to deal with, which is outside the Election Act. Members are familiar with the fact that we have to deal with the Freedom of Information and Protection of Privacy Act this summer. It was the determination of the committee a few weeks ago to allow the subcommittee to deal with this with some of the staff from Management Board of Cabinet who are dealing with this. We dealt with that when Mr Elston was here back two or three weeks ago.

What we need is a resolution from this committee, in essence requesting permission to sit a number of weeks during the summer. The clerk is going to make some amendments to the letter so I cannot read you the letter, but in essence what the request would be is that the committee be permitted to sit for four weeks. Part of that, and the majority of that, would be just the subcommittee sitting, together with the members of the staff of Management Board.

The clerk tells me she can read it with amendments. I notice it is kind of broken up there, but if you wish to read it, would you please proceed.

Mr Campbell: It is refreshing, Mr Chairman, that the committee clerk can read. I am so confident in this committee work now that the clerk can read.

The Chairman: It was the amendments and everything, which I was not sure had been made yet, but they have been.



Mr Campbell: I know, Mr Chairman.

Mr Matrundola: So we need a formal motion.

The Chairman: She will read the letter and then we need a motion to adopt it. That will then go on to the House leader for our request for X amount of time.

Clerk of the Committee: "On behalf of the standing committee on the Legislative Assembly, I am requesting four weeks of meeting time during September of the recess.

"The committee requires meeting time to consider matters relating to practices and procedures of the House and members' services. In addition, the business of the committee will further consider the Freedom of Information and Protection of Privacy Act, 1987.

"The committee also requires authority to meet from August 5 to August 12 for the purpose of attending the National Conference of State Legislatures in Tulsa, Oklahoma.

"Consideration of this request is appreciated."

The Chairman: I think what we should do in that is incorporate there the fact that we do not want the four weeks for the committee as much as we want freedom for the steering committee to meet, because if we just ask for four weeks, they are going to say, "There is no way we are going to give you four weeks." If we explain that it is the steering committee, only three or four members, who are going to be meeting with the staff, then there is more latitude from the whips' standpoint. Therefore, we should include that.

Clerk of the Committee: I can change it to say:

"I am requesting four weeks of meeting time during September of the recess. The majority of this time will be for the business subcommittee to further consider the Freedom of Information and Protection of Privacy Act, 1987. The committee also requires some meeting time to deal with matters relating to practices and procedures of the House and members' services." It would then go on to Tulsa.

The Chairman: Providing, of course, that it does not preclude, and I want to be very careful on this, the full committee from dealing with the Freedom of Information and Protection of Privacy Act.

Mr Matrundola: It is either/or.

The Chairman: Yes.

Mr Matrundola: At the discretion of the chair.

The Chairman: That is right. It will be four weeks for all of this, the majority of which would be for the subcommittee to meet with the staff on this act.

Mr Matrundola: As the chair sees it, we call the full committee or only the subcommittee.

The Chairman: That is right.

Mr Campbell: Is there an urgency to do this today precisely rather than next Wednesday?

The Chairman: Yes.

Clerk of the Committee: The House leaders want it for tomorrow.

Mr Campbell: The House leaders want it for tomorrow; fine.

The Chairman: They have their meeting tomorrow and we are not sure how long we are going to be sitting into July.

Mr Fleet: This has been discussed, though, by the subcommittee?

The Chairman: It has been discussed by the full committee and the subcommittee has agreed with it. That was two or three weeks—it is just a matter of getting the proper wording.

Mr Matrundola: I will move it.

The Chairman: Okay. The motion has been made by Mr Matrundola and I think the clerk understands what we want in it. I will sign the letter tomorrow and it will go in, or later today.

Motion agreed to.

The Chairman: There being no further business, the Legislative Assembly committee meeting is adjourned.

The committee adjourned at 1714.

1027M  
1020  
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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

INTER-CITY TELEPHONE NETWORK  
REVIEW OF ELECTION LAWS AND PROCESS

WEDNESDAY 5 JULY 1989





STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)

Breaugh, Michael J. (Oshawa NDP)

Farnan, Michael (Cambridge NDP)

Johnson, Jack (Wellington PC)

Matrondola, Gino (Willowdale L)

McClelland, Carman (Brampton North L)

Morin, Gilles E. (Carleton East L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Substitution:

Faubert, Frank (Scarborough--Ellesmere L) for Mrs Sullivan

Also taking part:

Wildman, Bud (Algoma NDP)

Clerk: Deller, Deborah

Witnesses:

From the Ministry of Government Services:

Caplice, Dennis P., Deputy Minister

Gray, Sharon, Manager, Access and Inquiry Services

Chung-Yan, Glen, Manager, Queen's Park Shared Telecom Processor, New Business  
Development

From the Office of the Chief Election Officer:

Stewart, Alan, Special Adviser (Legal)

Bailie, Warren R., Chief Election Officer

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 5 July 1989

The committee met at 1543 in room 151.

INTERCITY TELEPHONE NETWORK

The Chairman: I am going to call this committee meeting to order, a meeting of the standing committee on the Legislative Assembly. We have with us staff from the Ministry of Government Services to discuss the intercity telephone network. Mr Caplice, as the deputy minister, do you want to introduce your delegation and then we can go from there? I can introduce the subject, which is the intercity telephone network.

Mr Caplice: I am Dennis Caplice, the Deputy Minister of Government Services. We are here to address your interest in the Ontario government telephone network.

I have with me Sharon Gray, to my right, who is the director of our access and inquiry services branch. Seated behind Sharon is Judy Blundell, the supervisor of our switchboard at Queen's Park. This is Glen Chung-Yan, the manager of the Queen's Park switch. If we get into technology, I will ask either one of them to step forward.

I would mention that the origin of some of the monitoring or recording devices we have put in on a pilot basis over at the Queen's Park switch is the Provincial Auditor's report of last year. They did a comprehensive audit of the computers and telecommunication division within MGS, and it was noted in the auditor's report that there was the capacity for this system to be abused in that we were lacking a monitoring ability or recording ability with regard to usage of the system.

We reached out for some new technology which was not available two or three years ago and we have put it in. Sharon, in going through the information report which has been distributed to you, will highlight the capabilities and cover some of the points that I have. I will turn it over to Sharon Gray and she will take you through the information report that has been handed out.

Ms Gray: As Mr Caplice mentioned, we have acquired some equipment to assist us in improving service at the Queen's Park switchboard. We have it at this point on pilot only and no decision has been made yet about whether we are going to purchase it. It will depend on the result of the trial we are testing at the moment.

Also, as Mr Caplice mentioned, the Provincial Auditor pointed out to us that in his view we have a lack of controls on the usage of the Ontario communications network, especially after hours and on weekends.

It is important to note that the Ministry of Government Services sees its role in telecommunications as that of a service provider and not a monitor of service. It is our view that it is the ministries that decide who should have access to the network and it is they that should be responsible to ensure there is no misuse of this facility.

In order to assist the ministries in this role and to enable MPPs to identify any situations of inappropriate network usage, we feel we must provide additional information to these people.

As I mentioned, we have some new equipment at the switchboard, and it should be noted that we have absolutely no intention of using this equipment to monitor conversations or listen in to the audio content of any calls that are made on the network.

The main features of the new equipment are that we can process calls more quickly and accurately. You may have noticed that we have introduced an automated intercept system, which handles approximately 3,000 calls per day with no operator intervention. This is for new and changed Ontario government numbers. If you call an old number, you will get a recorded voice which will give you the new number.

We also are soon going to implement a database of Metropolitan Toronto government numbers. As you know, during the day the switchboard will connect calls on the network only to Ontario government offices in Metro Toronto, and right now the switchboard operators have to go through quite a manual process to determine whether the number being requested is in fact a government number. This new system will automatically determine that when the operator keys in the telephone number.

The third database, which has not yet been installed, is going to assist us in verifying the Ontario communications network access codes in the little grey booklet that are used for after-hours service. Right now, again it is a manual system. If somebody calls in with an access number, the operator has to go through a manual record to see whether it is a valid code.

This new system will automatically determine that. The operator will key in the access code and then the telephone number; if the access code is a valid one, the call will automatically be connected; if the access code is not valid for some reason, the caller will be routed to a recording that will tell him or her that he must check with his telephone co-ordinator to see why his code does not appear to be valid.

1550

In addition to that, it will allow us to record the OCN booklet number and the number that is being called, so when the operator inputs the OCN booklet number and the number being called it will automatically be recorded in the machine. What it will record is the access code, the number called and the time and date. There will be no way for the machine to determine where the call is being placed from. There is just no way of knowing that.

What we will know is that a certain access code was used to place a certain call at a particular date and time to a certain location. Unlike your Bell telephone billing, what we would be able to provide you with is a list of what numbers you called on what date and at what time, but not from where.

The Chairman: That is an important distinction that probably needs to be made for the benefit of the members.

Ms Gray: It is our intention to generate reports on a periodic basis by access code, and to provide those for the members through Barbara Speakman, the executive director of assembly services. This will allow the members to have a look at the calls that have been made using their access codes after



hours and on weekends and determine whether their code has somehow leaked out or calls are being made using that code that should not in fact be made.

The Chairman: Mr Wildman has a question. Are you just about finished?

Ms Gray: I am just about finished.

The Chairman: Why do you not finish and then we will have the questions.

Ms Gray: Fine. We are also planning to provide similar reports to the chief administrative officers of each ministry on what the use is of the access codes within their ministries so they will be able to ensure that the use of the network is within approved guidelines. We feel these steps will respond to the auditor's concerns and at the same time put the responsibility for ensuring the integrity of the network on the appropriate people.

Mr Caplice was just mentioning that if any of you would be interested in coming over to the switchboard and actually seeing the equipment, we would be very happy to have you come at any time.

The Chairman: I understand it is something like a couple of machines the size of a typewriter or something of that nature?

Ms Gray: It is quite small. There is a screen and then a keyboard, almost like a minicomputer, for each console. We have six of them at the moment, although only two are in operation.

The Chairman: But ultimately you would require six?

Ms Gray: Ultimately, if we go ahead with the purchase of the equipment, we will need about 16 of them to handle the call volumes we handle. During normal business hours, we have between 13 and 16 consoles in operation.

Mr Wildman: I appreciate the presentation. On behalf of my caucus, we are concerned with improvements to the service, as are all members of the Legislature, I am sure.

If I can just give a personal example, my colleague Karl Morin-Strom and I use the tieline number from Sault Ste Marie, and that number is impossible to use. It is either busy, because I think every lawyer in town has the number and is doing his phoning at government expense, or when you do get it the quality of the transmission is so poor that if you happen to be phoning a radio station, for instance, it cannot record even though you would like it to. That is a major problem.

Having said that, with regard to the use of the number, I am still a little concerned about the generation of reports. I think it would be useful for members to know how many calls have been made and so on in case there is unauthorized usage, but if you are not going to be monitoring where the calls are coming from and where they are going, how is the member, when he gets the report, going to be able to understand what it means?

Ms Gray: You would have the number you called, not the number you were calling from, the point of origin, but you would have the telephone number you actually called, with the area code and the number. If that number were familiar to you or you knew you had made a call to Sault Ste Marie on a particular day, you would be able to assess that. If it were a location you never call, you would know that call was not made by yourself.

Mr Wildman: But there is no intention to somehow track the number of calls and make comparisons from one member to another, because I suspect my colleague from Lake Nipigon or the Mr Miclash from Kenora would be using the system somewhat more than a Metro Toronto member, for instance.

Ms Gray: No, that would not be our intention. There would be no comparisons made between usage of members.

Mr Wildman: That is fine. By the way, before I pass, I understand that tieline number I was referring to, the local number in Sault Ste Marie, is a Canadian Pacific line. Really, there should be something done to improve it.

Mr Chung-Yan: Yes, it is supplied by CN-CP.

The Chairman: Do you want to come to the front? Judy, you may as well come up too, in case they draw on your expertise here.

Mr Wildman: The only reason I raise it is that I recall in the past, when they were all Bell Canada lines, we had a better quality of service. Those numbers inevitably seemed to leak out. When they became part of the public domain, Bell used to change the numbers from time to time so it would take a while for those people who were using them who perhaps should not have been to get hold of them again.

I understand that now that CN-CP is providing the line, it is much more complicated and it is far more difficult to change it. Also, when there are problems with the number, you initially have to go through the Bell Canada operator. You phone them and tell them you have trouble with this number and they inform you there is no such number. You have to get into a big argument with the Bell operator: "Yes, there is such a number. It's a CP line."

Mr Caplice: I believe you were contacted by a consultant last year.

Mr Wildman: Yes. I told him about the same problem.

Mr Caplice: Yes. We are taking a look at the whole Ontario communications network. We have done the west, we have done the east and we are in the process of the upgrade on the north. We will be going to a public tender call on the upgrade. We have tried to take into account a lot of the comments that were fed in by yourself and others.

As technology moves ahead, and if we get to fibre being strung in appropriate places in Ontario, we will be able to move voice and data over the lines without that downtime you get on the current analog system that is there. If we go to digital, we expect great breakthroughs in that.

I was interested in your comment that you think the number is in the hands of others than those authorized—

Mr Wildman: I said lawyers. I don't know. Anyway, I am certain that the fact that it is so busy—It also may be partly, to be frank, related to the transfer of people, the transfer of the forest resources group. Anyway, that line is almost impossible to get your hands on.

Mr Caplice: Some of those people would still have some relatives down here.



Mr Wildman: I am not suggesting that those people are using it improperly. They are going to be phoning their head office and so on, that sort of thing.

Mr J. M. Johnson: One of the problems was that we had a memo on 13 April suggesting that there would be changes in the communications network. Some of our people, my leader for one, thought there was a possibility that someone would be monitoring calls. That was explained or at least tried to be clarified through further correspondence.

Ivan Sack, for one, very kindly agreed that maybe a meeting of your group with this committee would help clear it up, and in my opinion it has. I am quite satisfied that there is no intention of using this equipment to listen in to calls. The explanation you have made satisfies me.

As well, it tries to address the issues raised by the Provincial Auditor, which we have to take into consideration. If we can process the calls more quickly and accurately, it makes sense to proceed that way.

1600

I would like to thank the Deputy Minister of Government Services and his staff for coming before us today and presenting us with clarification. It is certainly the direction we should be going.

Mr Sterling: I am perhaps not as at ease as my colleague with regard to this plan. My problem is that the nature of our work is such that it could be very detrimental to us in a political sense if the government got hold of numbers I call during a period when I am investigating something that is involved with the government.

I am very reluctant to have the government, in any way, track who I am phoning at any time. If we are involved with software, I suggest that the software be designed, if you want, to give us some method of tracking or auditing our own calls, then perhaps the number of calls that go out or are called through with our authorization would be adequate.

But I am very reluctant to agree to a system which identifies numbers which I have called as a member of the Legislature. I think it is inappropriate for the Ministry of Government Services to have that information. Regardless that the chances of that information being misused is very minimal—I take the word of the intention of both the minister and the officials—I just do not like it.

The only way to have privacy is to control the information yourself, and this is another document I would not have control of. I object very strenuously to any tracking of phone calls which I place through my number or authorization.

I spoke to my leader about this particular problem. As you know, I have had some interest in the privacy issue in the past, and noticed the letter I received from Mr Patten on this issue and brought it to the attention of my leader. His correspondence ensued as a result of my inquiry.

I would agree to a system that when an MPP code is given to note maybe the location that call is going to, but I do not want a number down there. I do not want a phone number.



Ms Gray: We certainly appreciate your concern. One thing I want to clarify is that the only calls that would be coded by the system as it is currently designed would be those you make through the Queen's Park switchboard after hours. You would have to be talking to an operator for that to happen. I wanted to clarify that.

In terms of your concern, however, we will certainly look into the possibilities of programming the system so that only a location would be shown.

Mr Caplice: You are trying to say to Mr Sterling that he currently has to speak to an operator prior to this equipment, so he does give a number, and we have all had to give it.

Mr Sterling: I am aware of that, but I am also of the impression that that number is not recorded, other than it is punched into a machine and then I am connected.

Ms Gray: That is correct. I also wanted to assure you—

Mr Sterling: My alternative will be to cost the taxpayer a great deal more money: phone through my credit card, deal directly with Bell and do it that way. But I think it is inappropriate that if we are to use this system and save the taxpayer some moneys by not using long-distance charges, that somewhere in the bowels of the government there is a recording of many calls an MPP is placing to numbers or a series of numbers or whatever, because they can tell a lot of stories from that.

The Chairman: Mr Caplice, it might be helpful if you explained exactly what you are trying to accomplish here.

Mr Caplice: I was just going to say in response to that, subject to the technical people here, particularly Glen, that on the new cards that have been issued now, you are identified as an MPP. I understand it is possible to program this equipment to where there will be no punch-in of that for MPPs. The good faith we are operating on, then, is that it is an MPP calling. There is the capacity to do that for that exclusive group of people who are carrying the card, namely, yourselves. Otherwise, I think the auditor is probably worried about the hockey teams that travel to town X and two boys have the number. We strongly suspect abuse and I think the auditor picked that up.

Mr Sterling: One of the problems you always face in a parliamentary system is that you have to go on the basic honesty of the members and they have to be trusted in terms of what they are given. For instance, on my monthly expense account I can say I travel 1,000 kilometres or I can say I travel 10,000 kilometres. Nobody questions that statement, so that has to be on each and every member to put that forward.

If a member abuses it himself, or his family abuses it, that is unfortunately a cost to the system, for the privacy part of it. I do think the members should have some kind of statement. I object to the form of the statement you are providing to the member. I would like to have a statement saying that on such and such a date, my number was used to call Toronto, or my number was used to call Thunder Bay. I do not want the number. If that can be done, I think it would be important.

Even if the operator makes one or two mistakes, that is not a problem. It is the accumulation of data. I have seen where telephone numbers have been used in a police investigation as to how things were developing.

Mr Caplice: For example, the Bell system. You could get everything recorded on that. You could get point of origin all the way through.

Mr Sterling: I realize that. But as I say, the only protection a person has for privacy is to control his own data. The more data produced on a person, the more you lose control of that privacy. It is essential to our democratic system that the opposition, in particular, has that right.

Mr Caplice: The ironic part, I think, and I take your point seriously, is that if we were to persist with what we have and drive you to the public network, then with long-distance calls you would get a bill with point of origin and the phone number you were calling.

Mr Sterling: I might fix that system as a result of this.

Mr Caplice: It is ironic. I think for the members of the Legislature, we can work a system which will not punch the number in.

Mr Sterling: I appreciate that very much.

Mr J. M. Johnson: I have a bit of a problem with Norm's comments. Every month I receive two or three Bell telephone bills outlining numerous calls. There are many duplications of telephone numbers of places I call regularly. What is the difference?

The Chairman: Between the Bell statements and these statements?

Mr J. M. Johnson: If I make long-distance calls using this system or regular Bell, I have a recorded number. I called 4596.

Mr Sterling: There is a minor difference, in that, as I understand it, the Bell bill goes to the Legislative Assembly.

Mr J. M. Johnson: And to the member.

Mr Sterling: And to the member. In this system, the Ministry of Government Services, part of the government, is privy to that information.

The Chairman: But it would not go there earlier, Mr Sterling. That would go to the director of the Legislative Assembly.

Mr Sterling: I take their word for it. But the information is in two different places.

The Chairman: Let me ask you this, Mr Sterling: Would you be happier if it were to go directly to legislative services and the government would not do it?

Mr Sterling: I would be happier if we paid Bell directly and we were reimbursed by the Legislative Assembly. I am not satisfied with the Bell system. I am not saying that what I have with Bell telephone is perfect, either. All I am saying is that by this, we are going another step further away. In terms of my druthers, for there to be just one source of information, I would use the Bell system.

1610

The Chairman: This is the Bell system. They have installed it, but



we do the manning of the Bell system in the government buildings, as I understand it. Correct me if I am wrong, Mr Caplice.

Mr Sterling: Basically, I do not think the auditor's concern was with MPPs using the telephone system—

Mr Caplice: It is a general concern.

Mr Sterling: That is right. It is a general concern. There are 80,000 civil servants in this province. I do not how many of them have authorization numbers: 5,000, 6,000?

Mr Caplice: There are 24,000.

Mr Sterling: There are 24,000 who have cards. There are 130 members with cards. If I got a statement each month which said that 30 calls were made on my authorization to wherever, that would be satisfactory to me. If there are some calls to James Bay and I have not made them, that is enough for me to know that there is a problem with my card.

Mr J. M. Johnson: How many cards are there?

Mr Caplice: There are 24,000 cards.

Mr J. M. Johnson: Is there any way the 130 members could be taken off the list of whatever monitoring process and do what you want with other the 23,870?

Ms Gray: Yes, I believe that it is possible.

Mr Caplice: Then we can go halfway, as Mr Sterling was saying, and maybe just record the usage with no number.

Mr J. M. Johnson: Maybe each caucus could suggest that cards for members, plus whoever is working closely with their offices, could be placed on a separate list that would not be recorded. Would that satisfy you, Norm?

Mr Sterling: Yes, that satisfies me. In keeping with what the auditor was driving for, I suggested a location of where the call was going to as being satisfactory to me. If that information falls out of the hands it is intended to go to, then it cannot be interpreted by anybody but me whether there has been abuse of my card.

I am willing to live with some auditing procedures along with the other 24,000 people. I just think our particular situation is so sensitive at times that I do not like that data being in the hands of a government agency, for any member of Parliament.

The Chairman: What you are saying, as I understand it, just so we are clear on it, is that you would separate 130 numbers and treat them a little differently. The others you would proceed with as you originally suggested. For the MPPs' numbers, you would monitor them to the point where you would show the destination but not the number. For instance, you would call Thunder Bay but that is all it would show, that you called Thunder Bay on 5 July 1989.

Mr Sterling: As long as that is possible. I guess my second choice would be that the operator just would not punch it in. When an MPP gives his



number, they just do not punch it in, period; so there is no report.

The Chairman: The computer would be so set that it did not record it, that is all.

Ms Gray: I believe we can do that.

Mr Chung-Yan: What we can do is to record the authorization code on that booklet number, the number of calls made, it can record a time and instead of giving you the destination number, it can give the area code.

Mr Caplice: It gives you a big geographic area.

Mr J. M. Johnson: If that is a problem, why not simply leave 130 numbers blank?

Mr Caplice: My response to that is that I think the auditor will come back in. He comes back in year after year after doing a comprehensive audit. Then I guess he will just make a notation that Government Services has covered off a very high percentage of the cards but they have not covered the MPPs' cards. I think he will draw attention again to that, then that is your world, not our world. That is about the only observation I think he would make.

Mr Sterling: I think that is a fair guesstimate of what the auditor might—I think the auditor actually would understand our situation. Notwithstanding that, if the system is technically capable of doing that, I think that would give enough privacy to the members.

Mr Caplice: We could test that and see how it works.

The Chairman: You believe the system could accommodate that request?

Mr Caplice: Could we report back to you in writing, Mr Chairman, about what we can do with the system in light of your concern?

The Chairman: That would be helpful.

Mr Farnan: Maybe you could clarify for me. There is a notation here: "It should be noted that there is absolutely no intention of using this equipment to listen in on network calls." Does the new system have this additional capacity as opposed to a previous capacity, or did the previous system have the same ability to listen in?

Ms Gray: That is correct. The new equipment gives us no more capability to listen in on calls if we chose to than does the old. Any switchboard system allows for the operator to stay on the line with you, especially if you are having trouble; you might want to ask the operator to stay on the line with you until you are connected. Our operators are very stringently trained and advised that unless a caller asks them to stay on the line, they are to disconnect as soon as they hear the first ring, so that is what they do. But the current equipment and the new equipment both have the capability of the operator staying on the line.

Mr Farnan: When my colleague the member for Algoma (Mr Wildman) prefaced his remarks, as caucus chairman for my party he indicated general acceptance of the new system. On a personal note, I find myself totally in agreement with Mr Sterling. I would add that this capacity should be applied not just to the 130 members but should be extended to the research staffs of

the various caucuses, because the research departments, particularly of opposition caucuses, in chasing an issue and nailing down an issue will be making phone calls. It is not in the interests of the opposition parties or of the security of the individuals they may be talking to that these people be identified by having specific codes.

I would add that the same kind of refinement to the system that would allow the members' calls to be less specifically identified would be extended to research departments within the various caucuses.

Mr J. M. Johnson: And leaders' offices.

Mr Farnan: And leaders' offices, I should add.

Mr McClelland: I presume that ultimately if you carry that extension, you are going to be talking about political staff for ministers, in my case as a parliamentary assistant from time to time. My concern is: Where do you draw the line on that? I just raise that as an issue. I have not really given it enough thought to add any valuable comment at present; presuming it would be valuable in any event.

I think it opens up a door that may be a lot wider than at first blush would appear. I have some concerns about the practicality of it. I can see that in certain situations, in my capacity as parliamentary assistant, it may or may not be appropriate for some sensitive issues to be "traced." I suppose that would carry over to any member with his or her political staff as well. Maybe it is something we should really think about a bit more carefully before we try and come to any conclusions.

1620

Mr Farnan: From the point of view of the New Democratic Party anyway, the request would go forward that we look at the research department and the leader's office to have the same protection as the individual members.

I think you are quite correct that sometimes there can be a snowballing effect, but I think that is a reasonable definition. There has to be a line drawn somewhere, but it is more likely that the research department, let's say of opposition parties, will be making the more sensitive calls than perhaps many government and opposition backbenchers. Certainly these people and their clients need that protection, so I think that is important.

Mr Caplice: Sharon would like to clarify. We have to keep clarifying. We apologize for that.

Ms Gray: There is just one point I would like to clarify, and that is that the only reports that we were proposing at all in any way, shape or form are on calls that are made after normal business hours through the Queen's Park switchboard. So any research people who are sitting in their offices at Queen's Park making calls, there would be absolutely no way that we could record those. The only time we would record is when you phone the Queen's Park switchboard and say, "My code is MPP-3549, and I want to call Kenora," or wherever. I think it is important to note that it is only evening and weekend calls that would be recorded.

Also, if you were making a particularly sensitive call in the evening, you could always choose to come into your office and make it or even use direct distance dialling.



The Chairman: Or use the Bell line. I guess the assumption is that if people are here and they are in the office, they have the right to be here and can use those. Therefore, you do not have to monitor it. Whereas if a team moves into Thunder Bay and decides that somebody has a code and all 17 people decide to call all over the province because they have access to it—that is what you want to prevent happening.

By the way, I want to thank you for making one change. I have lobbied for this change for some time, as Judy Blundell knows, where you kept on trying to intimidate all members in belonging to one of the ministries. Every time I would call in, they would say, "Now which ministry do you belong to?" I said, "I don't belong to a ministry." Then they would say, "Well, you have got to belong to a ministry." I said, "No, I don't belong to a ministry." Then they would say, "What's your code?" and I would tell them.

Now, you have corrected that by saying "MPP" and they know that you do not belong to a ministry. Even when I belonged to a ministry and I told them, they said: "Well now, you've got the wrong code. You shouldn't be using the line." They have corrected that, and I want to thank them for that. Judy had to put up with me a number of times on that.

Ms Gray: It was at your suggestion that we changed that.

The Chairman: I am glad to see it because I felt they were trying to intimidate me to belong to a ministry and group me among all of those civil servants. I think very highly of the civil servants, but I thought I had a special role in—

Mr Farnan: Maybe after the next shuffle you will belong to a ministry.

The Chairman: Who knows?

Mr McClelland: Maybe you'll get a commemorative plaque.

The Chairman: So I disagree with those people who say you are insensitive to our suggestions. Any other questions?

Mr Caplice: Just a point of clarification, in light of Mr Farnan's comments: Are we now leaving it to you as a committee to provide us with the numbers other than those numbers with "MPP" in front of them to take account of and exclude from the system, or are we going to chase the individual research offices and leaders of the opposition?

The Chairman: My own feeling is that as far as the Provincial Auditor is concerned, he might be prepared to overlook the numbers of the MPPs, but I am not sure, if you start excluding, that he would be prepared to overlook those. My own feeling is that we should exclude only the 130 from that form and put them in the other form whereby you indicate the area code they are calling, but that is all. Is Mr Farnan prepared to live with that, because of the explanation that I thought was very complete that we got from Ms Gray?

Mr Farnan: Yes, I am fairly comfortable all around. I think you presented us with a good option. The one thing I would like to do, certainly for the opposition members, Mr Jackson and myself, and perhaps yourself, is to go back to our respective caucuses and say: "This seems a fairly reasonable framework to work in. There is this one area. Can we find an agreement?" There may just be a handful of people whom we can all agree on.



For example, the director of research for any particular party, I believe, has much more cause to be making calls that are sensitive, even during the evenings. For the sake of our going back to our caucuses and finding out what handful of people are involved, I think the auditor would be extremely flexible in saying, "A small number of people we can live with"; but if he sees our going way beyond the 130, then I would say he will close the—

The Chairman: I do not know whether I should suggest this, Mr Farnan, but one way of overcoming that would be for the director to use your code. I am not suggesting you give out your code to a lot of people, but if you used your code, it would not be recorded and it would be one way.

Mr Farnan: The problem under the system that Mr Sterling and the committee put forward to us is that when I would get a readout, I would be able to look at that and say, "I didn't make this call," and I would be putting up a red flag saying, "There's a problem here." If I am going to give my number to research staff, I would prefer, if I have a code, that it is used only by myself and therefore I am accountable for it. Once we start giving the codes to other people, then we are creating the problem that the auditor is trying to eradicate from the system.

The Chairman: I guess what you want to do, Mr Johnson and Mr Farnan, is to take this back to the caucuses.

Mr J. M. Johnson: Have you any idea of how many numbers the Conservative Party would have with 17 members?

Mr Caplice: We can check that. I think Barb Speakman would have a list of all other members, researchers or others, who have cards.

Ms Gray: We do not control in any way the number that is given to a particular organization. That would be done through Barbara Speakman.

Mr Caplice: Maybe we should jointly look into that.

Ms Gray: Yes, I could look into that.

Mr Caplice: For 17, it is obviously not hundreds who have it. That is what you are getting at.

Ms Gray: You would like to know how many in addition to the 17 members?

Mr J. M. Johnson: Maybe there is no problem at all; maybe there is a problem. If we do the numbers, rather than report just to the committee, why could a copy of that letter not go to the three—the two opposition leaders anyway; do what you want with the government. Our leader's office would like to know what numbers we are talking about with the 17—plus numbers and what we are intending to do. Maybe we can work out a compromise so that it would not be a major problem.

The Chairman: Ms Gray, if you could get that information to us as soon as possible, the caucuses are meeting next week again. I am not sure how long we will be here, but it would be nice if we could resolve this before we recess for the summer.

Ms Gray: I would just like to understand. You want to know how many people in the caucuses, in addition to the members, currently have numbers. Is that correct?

The Chairman: That is correct. To follow up on Mr Farnan's comment, there may be five other members in the employment of the NDP caucus who have those other numbers and there might be five for the Conservatives and another five for the Liberals. What you are talking about is maybe five more that are out of the research, out of their caucus offices.

We are not talking about every ministry where there is additional staff; we are talking about the caucus offices. Is it the director who has it? How many people in research? Do they each have their own numbers? That kind of thing. I guess that is what you are driving at. If we were to extend the 130 to 130 plus X, we want to know what X represents. Does that represent another 15 numbers or another 50 numbers?

Ms Gray: Fine.

1630

Mr J. M. Johnson: If we are only talking about an extra five numbers for each caucus, I am sure it is not going to be a problem adding them. If we are talking about substantially more, then it is a problem. So I think that rather than going through this three or four times, if we had the information, we could likely resolve it at the next meeting.

The Chairman: The caucuses meet on Tuesday morning, so it would nice if we could have that before next Tuesday if that is possible.

Ms Gray: Okay.

The Chairman: The other thing I want to do is to underscore what Mr Wildman said earlier. I mentioned it to you earlier, Mr Caplice: that is, you may want to change some of those intergovernment lines a little more frequently. I know the one from Kitchener-Waterloo has been in operation. I think in the last 12 years it has been changed once, maybe twice, but I doubt it; I think it was once in the last 12 years. It may be something you want to take a look at. That number in operation now has been there for six or seven years at least.

To reduce the number of people who may illegitimately have access to it, you may want to change it. I can understand your concerns and the costs involved and everything; it may involve too much expense, but that is something you may want to take a look at.

Mr Chung-Yan: Yes, we will certainly look into it. There is an administrative challenge here. That is to say, we will have to change it when we change the booklets as well.

The Chairman: Yes.

Mr Chung-Yan: We do that once every 18 months around there.

The Chairman: Okay. No further questions? As I understand it, you are going to send us a letter shortly so that we can take it to the leaders in the caucuses and so forth. If we do not get that letter by Tuesday, I think the members understand it fully enough that they can take essentially what we have discussed today to the caucuses and get some feedback on it so that we can deal with it, hopefully, maybe even next Wednesday. If you are prepared to deal with it next Wednesday, you are welcome to come back and we will finish things off so that we can put the thing into operation in the summer rather than have another two, three or four months pass before we can deal with it.



Mr J. M. Johnson: Mr Chairman, could I just suggest that you have it sent to our House leader, Mike Harris. I will be away next week. Mike will look after it.

The Chairman: Alternatively, you could send it to the clerk and the clerk will look after distribution. So it is eeny, meany, miney, mo.

Mr Farnan: I just wanted to mention to the chairman that I think the New Democratic Party would be prepared to be here for many weeks if it means getting this important business done.

The Chairman: Your wish may be granted. Mr Caplice, I thank you and your associates very much for coming.

The second item on the agenda deals with the Election Act, and we have with us Mr Bailie and Mr Stewart today. I do not see Ms Lorie Wells here. You are going to be here so often, you are going to be looking for a per diem rate, Mr Bailie. Welcome back.

#### REVIEW OF ELECTION LAWS AND PROCESS

The Chairman: Mr Stewart will attest to the fact that I spoke to him a short time ago and expressed a concern regarding the Election Act and the identification of the party affiliation. We are dealing with subsections 27(9a) and (9b). Do you have anything in response to that, Mr Stewart or Mr Bailie?

Just for the benefit of the members here, I am looking at page 7. I was not very pleased with the president of an association being in a position to veto the nomination of a candidate in that riding. As illegitimate as that may be, the way the wording was was that we in fact were putting that president in that position.

The more I thought about it, the more concerned I became that if the president, as inadvisable as it might be, were to take a position and support one candidate and his candidate was not nominated, then by forcing the president to sign a nomination paper, he could say: "I didn't like the way that came out. The candidate got the nomination by some illegitimate means, and therefore I am not going to sign it." Therefore, that candidate could not run under that party banner.

I felt it was more appropriate if in fact the leader or his appointee were to be in that position to endorse the candidate, because I think every party, when a nomination meeting is held, has someone there in a neutral position who conducts the meeting. I know that in our own party, if you have a nomination meeting, then somebody appointed from the central office goes down and conducts the meeting. Therefore, if one is chosen and the party agrees that he is the legitimate candidate, then the leader would sign those papers, as opposed to the president of the association.

Mr Stewart worked on that. I have not spoken to you today about it, but I presume you have had some response and that has been distributed.

Mr Stewart: Yes. This is essentially a reversion, in a sense, to some of the drafts that were considered earlier as this issue has gone back and forth. It would just go as follows:

"(9a) Where the candidate has and consents to the endorsement of a



registered party"—I will just stop there to note that the words "and consents to" were put in there to prevent a person from being endorsed by a party against his will, a party that he does not intend to run for, perhaps a minor party that wishes to put an unwanted endorsement on someone.

The Chairman: Yes. For instance, what you could do is have ABC party which says, "We want to endorse the candidate," but the candidate does not want to be endorsed by ABC. Therefore it has to be in there.

Mr Stewart: "The nomination paper shall be accompanied by an instrument in writing." The words that had been in some previous drafts, "and wishes to have his political affiliation on the ballot," have been removed to make it clear that it is not intended that there be an option; that is, you can run as a candidate of a registered party and have your name on the ballot, or as an independent and have the name "Independent" on the ballot, but you cannot be in a place halfway between the two positions.

"Signed on behalf of the party by the leader as registered under clause 10(3)(c) of the Election Finances Act, 1986 or the leader's designated agent certifying that the candidate has been endorsed by the party.

"(9b) Where the leader of the party wishes to designate agents to certify the endorsement of candidates at an election pursuant to subsection (9a), the leader shall file a statement in writing with the chief election officer before the close of the enumeration period appointing those agents."

I found that in many cases the leader of the party may not wish to sign 130 statements himself. He may wish to designate part of that authority to someone else. The intent of the wording as it is drafted is that a party can still determine its own procedures to some extent. For example, if a given political party wants to have the riding presidents making the decisions, it can make a constitutional rule or whatever requiring the leader to designate the riding presidents as his agents, but that is up to them. It is not something that is required by the statute in that respect. That is all there really is to say about this.

Mr Matrundola: What is the process now? I know how it works with the Liberal Party. When candidates run for the nomination, there is someone to run the nomination meeting appointed by the party. A, B, C and D are running, so once the nomination is over, A is the elected candidate. Who signs the paper at that point? Is there any paper to be signed?

A report would be made to the party that last night there was a nomination meeting in ABC riding and Mr or Mrs A was elected as the candidate. How does it work from that point on? Is there anyone who signs the paper, endorses it or anything? Nobody signs a single report to the party from the chairperson saying that yesterday or last night so-and-so was elected as the candidate for that certain riding. Am I correct?

The Chairman: Correct me if I am wrong, Mr Bailie, but what the situation is now is that there is no identification of Mr Matrundola on the ballot. There is your name and that is it. There is no political affiliation. Once this committee has adopted the principle of having political affiliation, you have to make sure that that political affiliation designation is not abused. Therefore, you cannot have you, as the legitimate candidate, run as a Liberal candidate, or Mr Farnan run for the NDP as a legitimate candidate and all of a sudden have somebody else say: "Look, I am also the NDP candidate. I am going to run in the riding of Cambridge." or "I am also the Liberal

candidate. I am going to run in your riding." You cannot have that. You have to make sure that the mechanics of arriving at that are fairly stringent and are not abused.

Mr Matrundola: I would like to be clear on this, quite frankly. Let's use the riding of Willowdale. Let's use me as an example. In the last nomination there were four people. It was clearly understood that I was running as a candidate for the Liberal Party of Ontario. As I was a member and running, the nomination was for the Liberal Party, so I ran for the Liberal Party of Ontario. I was the nominated candidate. The chairperson who supervised the meeting made a report to the party, I suppose, saying that last night so-and-so was nominated. Two days later I received a letter from the leader congratulating me for having been nominated as the candidate, and I suppose that went on with every other nomination as well.

What else is needed, I am asking. The nomination has been held in a democratic manner by the riding. Who else can come in and say "No, not you, Gino, but me, George, or Jack: I am the Liberal candidate in this riding"?

Mr Campbell: There was not really any comment on the procedure before this because the identification of the party was not on the ballot, so you did not need any of this other stuff. The reason we are going through this now is to design a mechanism that only legitimate candidates of whatever party—it may not just be Liberals, Conservatives or NDP; it may be other registered parties, Christian Heritage or others that may be legitimate—who, in fact, have the blessing of the party to use their literature and their logos and all the other stuff. That is why we are looking at this procedure, so that your name legitimately appears on the ballot for the party you are running for. The rest of it does not matter.

I imagine the nomination process in our party is similar to that of the other two parties that are sitting around this table. It did not matter so much before, except that everybody kind of understood that it was a legitimate process however you arrived at that. But now it matters because now you are carrying the party label on the ballot under your name.

Mr Matrundola: With all due respect, I do not understand the reasoning behind it. Perhaps all the act might have to contain is that he or she who seeks the nomination for a party needs to be a party member and run under that banner and, he or she having been nominated, agrees to have the party affiliation on the banner. That is it.

Now let me ask another question. We have had in the last provincial and federal elections a lot of commotion in the nominations. Say a person is nominated for the Liberal Party, or any other party for that matter: duly nominated at the properly constituted meeting in a democratic process. It is a numbers game. Whoever gets more votes is elected. Now he comes for endorsement. Of course, if there has been some wrongdoing that can be proved—but if everything is in order, now you have a person, be it the president of the association or the leader or a person so designated, who might veto that democratic process of the riding association. Why?

If there is no wrongdoing, if everything is in order—and if there is a wrongdoing, obviously there is an arbitration that will take care of the matter—if everything is normal, what I am afraid of is that maybe in the future we could have a leader of any party who might say: "I don't like Mr or Mrs A. Even though he or she was elected last night, I want to put Mr or Mrs B." Then we will have so-called patronage business.



The Chairman: It is conceivable that that could happen, but it is highly unlikely, simply because the leader, particularly of one of the three major parties, would have to account for that action to the press of Ontario and to the people of Ontario. It is more likely that a president, in essence, could do it the way it was before as opposed to what we are recommending here now. I agree that it is conceivable and it could happen, but the chances of that happening are less than one chance out of a thousand, and maybe closer to one chance out of a trillion.

Mr Matrundola: I am confident that any of the existing three leaders are of the highest ethical standards, but I am saying that in the future it could conceivably happen.

The Chairman: Yes, it could.

Mr Matrundola: And that is the problem.

Mr Farnan: I just wanted to say I like the amendments you have drafted, the changes you have drafted, and I think they really address the concerns that we have.

I would say to Mr Matrundola that there is no system where you can account for human nature, where people will not contest the decision of the democratic process and say, "I was cheated in this election," and there has to be an arbiter. The arbiter in this case is the leader of the party.

Within our party constitutions, I think subsection 27(9b), as has been pointed out, we can, if we wish, decide that the arbiter will be either a special panel or board or riding association; whatever. The parties have the means.

But I think it is very important, as our chairman has been saying, that we have to get away from individuals who may wish to add the Liberal tag to their name to give them credibility in their riding or in opposition to the legitimately elected candidate. I think the revisions that we are proposing do precisely that. There will only be one recognized candidate from any of the legitimately recognized parties and we have a process for appeal and contesting the issue.

Mr Matrundola: I completely agree with that. I have no problem with that and I completely agree that if there is a problem, it should be dealt with by arbitration. That is the proper process, that is quite normal.

I am just wondering, or maybe I misunderstand, if one would have the supreme power, if everything is okay, for any reason or for no reason whatsoever—in the future I am saying, because I do not believe that any of the present leaders would dare do anything like that because I respect them all, but I am looking at the process. When we pass a law it is for the future, it is not for the past unless it is retroactive, but in this case it would not be valid.

What I am trying to say is that if anyone in the future, let's say a leader, would say, "Well I just don't want to endorse so-and-so," that's it.

The Chairman: I think Mr Farnan has addressed that very well. What he is really saying, Mr Matrundola—and I do not have to repeat it, he said it very eloquently—is that there is no way you can guard against any eventuality that may happen for the next hundred years.



Mr Matrundola: Let's hope so. I just wanted to voice my concern.

1650

Mr J. M. Johnson: I like the drafting as presented. We have discussed it on numerous occasions. This is pretty good. I think one problem we have is that we are confusing party policy with what Mr Bailie can do and I do not think we can drag him into that. We could use some help if that were the case. So I very strongly support this.

Mr Campbell: Two things: I would just remind the committee that there has been occasion where a local association on the federal scene has nominated someone whom the leader felt did not represent the views of the party and therefore the leader should have a say, and that is why it has been suggested we do it this way.

The second point: I am concerned about procedure here, because I have an undertaking with Mr Breaugh that he will be here before we in fact decide to report this to the House in report form. I am very much concerned that Mr Breaugh has the input to this new draft. I understand he has not seen it. I also understand he is absent at some point and would not, for whatever reason, make the committee today. I am a little concerned that we do not proceed with adopting this draft before Mr Breaugh has some very excellent input into the structuring of this whole proposed report. I am wondering if we could table this until such time as we as a committee can decide to report it back to the House.

I realize I am a little shaky perhaps on the procedure, but I think I did make an undertaking to Mr Breaugh that this is the way it was going to be. We only just found out—Mr Chairman, I fully and heartily concur with some of the comments you made at the beginning, but I still think, in all fairness to him, that this be done in that way, if I can so move, without shutting off debate.

The Chairman: I have no difficulty with that, because Mr Breaugh has been an active member of this committee for some years now and has played an active part in revisions of this act. In deference to him, I think we should do that, so I have no difficulty with that. The other person who may want to take a look at it would be Mr Sterling, who has had a very active part in it.

So we will defer the decision on this, subject to the wishes of the committee, of course, until next week. I hope we will be able to meet next week. Mr Bailie is getting to know this place very well, although he has had long years of experience coming here, and Mr Stewart, so I do not think they will mind coming back. If for some reason Mr Bailie cannot come, Mr Stewart will come along with Lorie Wells or whomever. If there is no difficulty with that, we will defer that until next week.

Mr Stewart: You will have all the documents you will need for that time. This can be distributed.

The Chairman: Subject to what my colleagues think about this, I think everyone was quite pleased with the other parts of this. As you know, Mr Stewart, I drew to your attention one other minor thing, but I do not think that can be changed.

Mr Stewart: I have not come up with any ideas that would solve that particular concern.

The Chairman: We will leave that the way it is.

Mr Matrundola: Just a clarification: On page 3, subsection 17(1), "At present, deposits may be paid by way of cash or ordinary cheque." Does that mean certified cheque or plain cheque?

Mr Morin: We agreed to that last week.

The Chairman: We agreed last week that we were going to take out the word "certified."

Mr Stewart: That is right, it has been taken out.

Mr Matrundola: So it can simply be a cheque or money order?

The Chairman: Yes. We found that of the 500 candidates or so there might only be two, three or four abuses, maybe five, and we felt that we would go back to just regular cheques.

Mr Matrundola: I am just clarifying anyway. Subsection 17(2): "Candidates will be permitted to file their nomination papers three days earlier." Do you mean you can file the papers any time after the call of the writ or must you file them on a certain day only? I am a little confused here.

The Chairman: Any day up to—Mr Bailie.

Mr Bailie: At the present time, the act allows a candidate to file the nomination papers in the seven days prior to the close of nominations. This will change it to 10 days prior, which—

Mr Matrundola: So there is a span of 10 days?

Mr Bailie: A span of 10 days, yes.

Mr Matrundola: Fine.

The Chairman: You can actually file the papers early and then head for Hawaii and spend your time there while everybody else is campaigning.

Mr Matrundola: No, you cannot. You can only file them within the span of 10 days; you cannot file the day after the writ has been called.

The Chairman: No, I mean within those 10 days and then head for Hawaii.

Mr Matrundola: Right. Okay.

Mr Campbell: I think we had dealt with the whole issue in this committee except for alternative drafts for subsections 27(9a) and (9b). If there are any other comments, perhaps they could be dealt with at that time next week when all members are present.

Mr J. M. Johnson: We were discussing the Quebec situation. Have we addressed that here, requests from the Quebec returning officer that there be an exchange of—

Mr Bailie: Oh yes, we are still working on that.

Mr J. M. Johnson: There is nothing here?

Mr Bailie: No, there is nothing here prepared. That is just another ongoing part of our work. It is not included in these and it will not likely be unless it could be somewhere, in the fullness of time, included in this.

The Chairman: It could conceivably be included, but then it might be in the government legislation or whatever. Go ahead.

Mr Bailie: Just on this one subject of the alternative draft, I would like to point out to the committee that the draft you see before you is very similar to our very first suggestion. The reason it was changed, you will no doubt remember, was that Mr Polsinelli was quite concerned that it be the constituency association, so we then changed it to the constituency association. It certainly was not our preference because, as you can imagine, with the 130 constituency associations times the number of parties times the number of candidates, we are talking about 600 or 700 constituency associations as opposed to, say, seven party leaders or their nominees.

Our preference would be for this system, but we are still the servant of the committee. Mr Breaugh who, I understand, expressed concern about the first draft that we submitted, as well as Mr Polsinelli, may want to speak on this. I just wanted to bring that from stage one to this point.

The Chairman: Okay. If there are no further matters to be discussed, this committee will be adjourned until next week at the same time.

The committee adjourned at 1658.



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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

INTERCITY TELEPHONE NETWORK  
REVIEW OF ELECTION LAWS AND PROCESS.

WEDNESDAY 12 JULY 1989



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)

Breaugh, Michael J. (Oshawa NDP)

Farnan, Michael (Cambridge NDP)

Johnson, Jack (Wellington PC)

Matrundola, Gino (Willowdale L)

McClelland, Carman (Brampton North L)

Morin, Gilles E. (Carleton East L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Substitutions:

Hart, Christine E. (York East L) for Mrs Sullivan

Runciman, Robert W. (Leeds-Grenville PC) for Mr J. M. Johnson

Clerk: Deller, Deborah

Clerk pro tem: Decker, Todd

Witnesses:

From the Ministry of Government Services:

Caplice, Dennis P., Deputy Minister

Chung-Yan, Glen, Manager, Queen's Park Shared Telecom Processor, New Business Development

From the Office of the Chief Election Officer:

Bailie, Warren R., Chief Election Officer

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 12 July 1989

The committee met at 1607 in room 151.

INTERCITY TELEPHONE NETWORK

The Chairman: I call this meeting of the standing committee on the Legislative Assembly to order. We have Mr Caplice with us, the Deputy Minister of Government Services. Last week, we had you in here together with your colleagues and we dealt with the intercity telephone network. Maybe you can just give us a very brief answer with regard to how you intend to resolve the problem of limited numbers of codes being out there for use getting special consideration.

Mr Caplice: To my left is Eric Steeves, the assistant deputy minister in supply and services, and Glen Chung-Yan, the manager in our computer and telecommunications is on my right.

Last week, a number of members of the committee expressed a desire for us to look at whether we could not offer some degree of privacy, particularly to all the members of the Legislature as well as some other members of the respective caucuses who might be engaged in research on behalf of the members in relation to the number they would be calling on the Ontario communications network.

We in turn went back and looked at what we could do in that regard and replied to all three parties, to the caucus heads, Mr Wildman, Mr Epp and Mr Johnson. As well, we wrote to Mrs Deller and we can certainly accommodate the concern for privacy that was expressed. In the case of the Liberal Party, I think it was 11 others besides the MPPs who will perhaps be given a degree of privacy on what we are proposing here. I think there were four from the New Democratic Party and two from the Progressive Conservatives.

We would propose to add the software to the system that would prevent nothing more than the area code to be recorded for all those members carrying the MPP designation on the OCN card and the other 17 would also have nothing more than the area code recorded. The privacy concern I think can be addressed and we are prepared to do that as we implement the system.

I think it is fair to say to the committee that we are currently operating a system that is recording along the lines we laid out for you last week. We are probably two months away from implementing the software package on this piece of equipment that will permit us to do that but we will report back to you and to the committee when we are about to kick that into operation.

I think we have accommodated the concern.

The Chairman: Mr Runciman or one of the other members may have questions but I think that essentially meets the concerns that were expressed last week, particularly by Mr Sterling. He wanted the extra privacy and that would afford him that extra privacy.

I might say that just because there are two codes out, that does not



mean that there are only two people using them. In fact, if it is used in a research office it may be three or four or half a dozen people using the same code, but it is coming from that one office and it is one code that maybe the director of research or somebody has.

I would not want to give the impression, based on your information there, or leave the impression that there would be only 11 people or something. There may be more than that or there may be more than two people that talk, or more than four. But it would be a limited number who would be within that one envelope or one department.

Mr Caplice: Right.

Mr Runciman: It really is not related to the secrecy element of this, but I am just curious about what is happening in respect to upgrading the telephone system for the government? Where does that stand now? I do not know. I know there was some submission to cabinet board being prepared a number of months ago and I do not know where it stands. I am just curious.

Mr Caplice: On the OCN network itself, we have upgraded eastern Ontario, and then last year we upgraded western Ontario. I think Canadian National-Canadian Pacific won the eastern Ontario upgrade. That was some 18 months ago, and then Bell Canada won the upgrade going west on the western leg of the network. We are out now after studying the provisions that are needed in the north for a tender call, and I think it is a matter of days now that we will be out for the upgrade call on the whole northern network, always aiming, of course, to hopefully offer more and better information highways to the members and to the public service that use that.

So we have come a long way and we are hoping to move totally off the analog to the digital. Then around the corner, we hope to mix voice data and image over the same wire, over the same cable and really offer a much wider bandwidth over which messages can be transmitted in any particular form. This is growing more important for us as we move ministries northward too, because we will be able to offer Correctional Services, in the case of North Bay, and Northern Development and Mines, in the case of Sudbury, the kind of communications that will give them a large degree of comfort. Even though they are away from Queen's Park, the communication links for data transmission and that type of thing should be much improved in the years ahead.

Mr Runciman: You talk about analog to digital. What kind of time frame are you talking about there? Do you have any idea?

Mr Chung-Yan: For the northern interior initiative, of course, after the attendance, evaluation and implementation, we are talking about nine months to one year down the road.

Mr Caplice: We are on digital in southern now.

Mr Chung-Yan: Oh, yes. We are on the digital facilities in southern Ontario, eastern and western Ontario. The quality in those areas has been improved.

The Chairman: Okay. If there are no further questions, then I think you have a clear indication, Mr Caplice, that you could go ahead and implement that and come back in six months or when you have got it implemented to give us a report on the progress.

Mr Caplice: Yes. We recognize the sensitivity and we will keep you

fully informed on the implementation of the whole system. If you are ever interested as a committee in the fall or whenever you have time in coming over and seeing the whole service that is offered over there, it might benefit some of the members.

The Chairman: If you want to extend an invitation a little later on, I know I would be interested in seeing it and there might be some other members. Once you get it operational, maybe you can give us a call.

Mr Caplice: Okay.

The Chairman: Thank you very much, Mr Caplice and your colleagues.

#### REVIEW OF ELECTION LAWS AND PROCESS

The Chairman: The next item we are dealing with is consideration of amendments to the Election Act, 1984. We have Mr Bailie, Mr Stewart and Miss Wells with us. Do you want to come up? I think that this is one item that we can probably deal with fairly expeditiously.

There was one matter that was of concern to us and we were prepared to send it to the House last week except that Mr Campbell had given Mr Breaugh an undertaking that it would not go before Mr Breaugh had a chance to take a second look at that amendment. We had Mr Johnson here and we have had Mr Sterling here from the Conservative Party and I think, without trying to put words in anybody's mouth, they were pleased with it and were prepared to go forward.

We have some information that has been transmitted to us from Mr Breaugh's office that he is now pleased with the section. Does the clerk have that? That deals with clauses 27(9)(a) and (b). If you want a copy of that, Mr Runciman, I have one for you. If anybody else wants a copy, I have a copy for you. The clerk will distribute it to the other members of committee. Mr Bailie, do you have any comments?

I can just tell the members that if this is satisfactory, then I think the amendments to the act, as we have drafted them and as we have spoken to earlier, will be ready to be sent to the House. We could then table the report in the House next week. Since there is a possibility that the House may adjourn for the summer within the next week or two, it would be helpful to get it in the House before we adjourn.

Mr Bailie: Yes. I would just like to make a comment in my new, more resonant tone.

The Chairman: It is getting better. Are you ready to sing in New York at the Metropolitan Opera or something, Mr Bailie?

Mr Bailie: I have been suffering from a sore throat for a few days.

This particular wording is one that would suit us best. We believe from the several meetings that we have had and the questions that have been put, it does come to satisfying to the extent we can what the committee wants. Because the committee has more than one member, the wording is not precisely what each member who spoke on the subject would have liked to have had. I hope you will agree that it is good, compromise wording and that it fits the bill. It will certainly suit us fine as far as administration is concerned.

The Chairman: If there are no further questions, I will entertain a motion to have the act referred back to the House for our report back.

Motion agreed to.

The Chairman: Thank you very much, Mr Bailie, Mr Stewart and Miss Wells. We have gone through that thing and it has been several months, but it is good to get it reported back to the House. There being no further items on the agenda, this committee is adjourned until further notice at the call of the chair.

The committee adjourned at 1618.



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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

ADMINISTRATION OF LEGISLATIVE ASSEMBLY

MONDAY 18 SEPTEMBER 1989

Morning Sitting



do, and having studied engineering and actually done some programming quite some time ago, I know you can really get caught up in the whole area of computer services to the point where you are really going beyond what you need.

I understand that their budget was something like \$2.4 million last year. They are up to about 30 people down there. I have no problem supporting a budget or a number of people if in fact that is what we want to do. I just think that a lot of the services which they were originally set up to do can now be bought privately. If a member of the Legislature wants to train his staff in desktop publishing etc, I think that service can be bought outside the Legislative Building, probably at a much lower price overall.

I would really like to see us try to define a mandate for this group because I just have the feeling that it is something that is growing in and of itself. I think we should be responsible for the money we spend in the Legislative Assembly. Our expenditures overall have risen dramatically over the last 10 or 15 years. I have supported the demand for a lot of those services, but I think we must look back and keep a constant check on these kinds of divisions that we set up in that they can start running away with themselves. I do not have proof that that is happening in this case, but from my own office staff perspective, they just do not have time to take advantage of the services there because there are very busy doing their own job. We have used them from time to time.

I might add that in addition to these numbers of people—my figures may be off slightly—we also have, through our caucus budgets, people who are hired by the Liberal caucus, the Conservative caucus and the NDP caucus to handle problems for us, as well. So the whole budget with regard to computers and that kind of thing may be getting out of hand and I think we should define exactly what we want and whether or not this is unnecessary and we should carve it down somewhat.

As you know, Mr Chairman, we are going into a period of time when we will be looking at the accommodation aspects of this building. That group is now in this building, and I suspect that it would not necessarily be so in the future. Notwithstanding that, I still think we should look at them and ask them what services they are providing, whom they are providing those services to and whether or not we should recommend to the Speaker that the mandate change.

Mr Campbell: I would have no problems in reviewing the whole aspect of computer services. I guess it crosses the line between administration and members' services. We have complained about the role of the Datapoint and the system that we have already and that it is not perhaps dealing with what is required. I am concerned that it may in fact have been out of date when it was purchased some time in the past. That may be a question that can be raised along with that.

As far as contracting out—and I use that term generically; I know what you are getting at, Norm—I am very much concerned in this day and age of white collar crime that the kinds of confidentiality that I think we must have be maintained by an internal security. Even in-house computer operations deal with the whole question of security and those kinds of issues.

In supporting your request for a review, and I do not think it is out of line, I am just concerned very much about the confidentiality aspect which we all must live by in this Legislative Assembly. Otherwise, I would have no problem in supporting a request for a review, as long as we can make it enough

of a wide-ranging thing to deal with the aspect of Datapoint. Maybe it has outlived its usefulness and another system can be looked at.

I have just expressed my concerns. Thank you.

Mr Sterling: I had no intention of ever suggesting that part of the operation go to an outside source, because I think the security is extremely important as well. I understand that a large part of their operation down there is not operational and maybe five or six people are associated with the operational end. My concern was more in the training area.

I am not even saying that all the training should be external or whatever, but it just seems to be growing and growing. I wonder whether they are creating the demand or the demand is there. I think it is important that our staff have the opportunity to learn or to improve their professional skills while they are with us and that kind of thing.

I do not want to look, actually, at the Datapoint system, because I think the standing committee on public accounts has been looking at that for some period of time and all the rest of it. I want to give these people a mandate to say: "You are to provide these kinds of services. Now, you come back to us and prove what kind of people you need in order to do that."

I think another committee has been dealing with the Datapoint microcomputer argument, which has been going on now for a number of years, for some period of time, and I do not want to reinvent the wheel on that one.

Mr Campbell: I appreciate that.

The Chairman: I think one of the problems when there are questions of this nature is that people just do not know what is going on.

Mr Sterling: That is right and that is exactly where I am.

The Chairman: I think we need some kind of accountability so that members are apprised of what is going on. What we could do is notify the clerk this morning that this matter has been raised and he can then maybe bring somebody up from computer services for this afternoon, or he can answer the questions himself. We can address that this afternoon, but I am glad it came up.

1040

Mr Sterling: I think we should do that with all the functions, basically, under the Legislative Assembly. I think we should, from time to time, have Brian Land, the executive director of our library, who is responsible for the Legislative Assembly, come in and tell us what he is doing and planning, whether or not we as MPPs see the mandate that he sees for himself as right. We should do it with legislative research and with all of those, because it is incumbent on us to really watch where the dollars are being spent in a management way and help the Speaker along in making decisions.

Over the past 12 years that I have been an MPP in the Legislative Assembly, I have seen us so often create services for one or two members, and then once that member has gone on his way or lost interest in that kind of service, somehow the service seems to live on. I think we should be looking to spend our dollars in the best possible way for the taxpayer. I do not think anybody can argue against that, and I am sure no one does. But I would like to



start with one. It is not that; it is like estimates, in a way, in that I think the people should be called to account.

The Chairman: There are the library services. We have a controller, the financial aspects. We also have the director of legislative services, whom I just spoke to a few minutes ago. She will be here on Wednesday to answer questions, if you have some, when we are dealing with members' services. So if you have questions, please proceed.

Mr Campbell: A number of issues have come up, and they cross the line between members' services and administration. So that we can give time for these people to appear if they wish to, I draw your attention to a couple of issues. One is a telephone system outside committee rooms, and the other is the simultaneous translation in the Amethyst Room. I am wondering how you want to deal with those—as administration problems rather than as members' services or other ancillary ones?

The other thing I guess we should deal with, at some other time, is scheduling those members who wish to appear before the committee, or how you want to do that on Wednesday. I just bring those up. Perhaps the committee could have an indication of your wishes on how you want to deal with the telephone outside the committee rooms and the Amethyst Room. Do you want to deal with it formally as a committee?

The Chairman: I think that is another matter that could be raised this afternoon.

Mr Campbell: This afternoon, fine.

The Chairman: When you are talking about the telephone service, I do not think you have to limit it to the telephones just outside the committee rooms; you could look at the whole telephone service in the building.

Mr Campbell: I was referring to the actual letters that we had written. I think it is in order to do that this afternoon. I just wanted some direction.

The Chairman: I think that could be raised this afternoon quite appropriately.

Mr Campbell: Okay, thanks.

Mr Curling: On the discussion matters, are we going to discuss them as they are laid down here? I am hearing from you that, like the telephone matter this afternoon—I want to look at the other items like, number one, age limit in public galleries, which Mr Johnson raised. Is that going to be discussed now, or are you going to prioritize it. Will it be discussed either this morning or this afternoon?

The Chairman: The age limit has been raised before, although members may wish to speak to it now. If you have some specific questions, it would be best to just leave them until this afternoon when the clerk will be here and then raise it and try to get some information on it.

What we are looking for are issues that you may want to raise, and then we can get some answers this afternoon or later in the week. That is one we could try to get some answers to this afternoon.

Mr J. M. Johnson: Is this, for example, the mileage?

The Chairman: The mileage is something that could be raised on Wednesday, but that again is something—

Mr J. M. Johnson: Not today.

The Chairman: Not today. You can raise it, but we will have that addressed on Wednesday when Ajit Deshmukh, the director of finance, is here.

Mr J. M. Johnson: But I wonder whether we could briefly discuss, if we have not too much other business, to get a feeling if there is any consensus in this committee.

The Chairman: I would much rather build a consensus on Wednesday.

Mr J. M. Johnson: Okay.

The Chairman: What I want members to do is think of things they want to address later this week and then come up with them right now, like the telephone, and we talked about the age limit, the sound system and things of that nature. Then of course we have individual members who are going to come in on Wednesday to speak to some concerns.

Mr Curling: I want to get the idea here. You said so we can think of things to raise. I thought these were raised already; this one says age limit in the public galleries, and there is a report in here in that connection. Now we leave that until this afternoon when the Clerk is here to raise those questions?

The Chairman: Yes.

Mr Curling: So at this moment we are thinking of new things?

The Chairman: Yes.

Mr Campbell: Mr Chairman, perhaps I could help out Mr Curling. The point was that we were trying to give enough time, since we have the week's sitting, to fully explore any items that may come to our attention. For example, a letter was sent to every member asking them for their comments in writing and then appear on Wednesday.

The difference between what we are discussing now and what we are discussing on Wednesday was to further reinforce the fact that members could contact—For example, I have contacted members in my caucus to deal with items that they wished to be brought up, and I am sure the other two caucuses have done similar things. This morning was really to get us kicked off, I believe, in dealing with the administration of the Legislature, which we have to deal with this afternoon.

This morning's session was giving an opportunity, since we have not met for a while, to bring everybody up to date and let this thought process go ahead and give ample time for everybody to bring up concerns they had. That is why there are two different time frames. Also, because there are two different sets of staff coming, and we have put them on notice, for the administration to appear this afternoon and on Wednesday more the members' services staff. I hope that helps to explain why we are doing what we are doing.

Mr Curling: Having said that, if I had raised the issue of security, would that be new? It is not clear.

Mr Campbell: It is being dealt with. This can be dealt with tomorrow as a full one item, and then freedom of information on Thursday. That is really our order.

The Chairman: Just for your own information, what we are planning to do is to go through essentially administration this morning and see if you have some concerns so that the clerk can get that information. For instance, we can get in touch with Mr Land to see if he is prepared to come this afternoon and speak about the library services.

Tomorrow, we are going to address the security matter, with the Sergeant at Arms coming in the morning and the Speaker in the afternoon.

On Wednesday, we have members' services. We have the director of finance coming and the director of legislative services coming and anyone else you might appreciate having.

Then on Thursday, we are going to have the subcommittee report on the freedom of information. That is all but completed, and you will be getting copies of that first thing tomorrow morning if not this afternoon.

Mrs Stoner: Just a question: I am not sure who has responsibility in this area, but I would like to see us moving in the direction, if the assembly has authority in purchasing, to move to the purchasing of de-inked, recycled, fine paper for the use of the assembly offices. I am not sure if they have that direct authority or if there is an overall guidance and policy on that.

The Chairman: I think that is a very good subject, and one that could be raised this afternoon quite appropriately with the Clerk, and we will alert him to that.

Mr Sterling: If we were not creating so much bumf, we would not have to deal with it so much.

Mrs Stoner: As long as you recycle it, it is all right, and then we use the paper. Just do not put it in the garbage, okay?

The Chairman: Are there any other matters that you want to raise for this afternoon?

1050

Mr Sterling: I think we should ask the Clerk when he is with us this afternoon whether he is comfortable that each of the departments under him has a proper mandate to fulfil and whether that mandate is clear to the various directions. I would like to bring that up with him, whether he can define that mandate to us or whether he would like some clarification; maybe he would like some clarification. That is the whole thing we are going through with the security issue, what mandate Thomas Stelling and the Clerk have with regard to security, but I am sure there are other areas as well.

The Chairman: If there are no other items, then we will adjourn this meeting until two o'clock this afternoon, at which time we will hopefully have those people, the Clerk, the director of library services and others.

Ms Deller: May I just clarify with Mr Sterling? Did you want to have a general discussion with the Clerk about providing mandates to the service providers in the Assembly or do you want to specifically have representation from some of those areas as well?



Mr Sterling: I do not think it is fair to any of the those areas to say, "Come on in this afternoon with a prepared defence of what you are doing." I think that would be grossly unfair. I think we should do that when we return to the Legislature, after a while. But one of the very great advantages we have in this committee is that, as you know, we visited with other legislative assemblies in the United States. The only way I can compare what is happening in one jurisdiction with another, or what they are doing or what the mandates of the various pieces or parts of the Legislative Assembly are, is to have a clear idea of the mandates of what we are doing.

I would like the Clerk to subdivide it down into where the questions might be. I have identified one area which seems to me to deserve some looking at. I do not know what the mandate of the libraries of the various legislative assemblies across the country are. Quite frankly, I do not know whether their budget is increased by four per cent each year or by inflation each year or whether it is growing dramatically or contracting or just what.

In some of these areas, maybe some of the directors would appreciate an opportunity to speak to the committee and to some members of the Legislature and find out exactly what they should be doing. Every manager in every business will tell you that if you do not define the mandate of the people underneath you, then you only get half an effort because people are wandering around not knowing what to do next. I think it is incumbent on us to assist in that process, because really it is the 130 members who are supposed to be driving that process. Perhaps you can speak to Claude before he comes and say that I would like him to subdivide it down. If there are areas where he thinks the mandate should be looked at first, then let's consider it that way.

The Chairman: If Mr Land is available this afternoon, that is fine. If he is not—

Mr Sterling: I thought he was coming in.

The Chairman: No, Mr DesRosiers is coming in, but not Mr Land.

Mr Sterling: I said Mr DesRosiers.

The Chairman: But I am just saying that if Mr Land were available for legislative services—

Mr Sterling: I do not think we can ask anybody on a moment's notice. I think we should, after we have talked to the Clerk, define the process, if we want to go ahead with the process and look at some of these things. We should define it and then give the heads of those various departments a fair time to prepare and to talk about it.

Mr Campbell: I was just going to suggest that perhaps we could ask the question of how we want it, in consultation with the Clerk, and work out a system. I think that would be appropriate: when we come back to give them lots of notice. Is that fair?

Mr Sterling: Sure.

The Chairman: Anyone else? If not, the meeting is adjourned until two o'clock this afternoon.

The committee adjourned at 1055.



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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

ADMINISTRATION OF LEGISLATIVE ASSEMBLY

MONDAY 18 SEPTEMBER 1989

Afternoon Sitting





STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)  
VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)  
Breaugh, Michael J. (Oshawa NDP)  
Farnan, Michael (Cambridge NDP)  
Johnson, Jack (Wellington PC)  
Matrundola, Gino (Willowdale L)  
McClelland, Carman (Brampton North L)  
Morin, Gilles E. (Carleton East L)  
Sterling, Norman W. (Carleton PC)  
Stoner, Norah (Durham West L)  
Sullivan, Barbara (Halton Centre L)

Substitutions:

Cleary, John C. (Cornwall L) for Mrs Sullivan  
Curling, Alvin (Scarborough North L) for Mr Morin

Clerk: Deller, Deborah

Witness:

From the Office of the Assembly:  
DesRosiers, Claude L., Clerk of the House

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Monday 18 September 1989

The committee resumed at 1407 in room 228.

ADMINISTRATION OF LEGISLATIVE ASSEMBLY  
(continued)

The Chairman: The meeting is in progress. We have with us the honourable Clerk, Claude DesRosiers. He will answer all your questions to your satisfaction. He has assured me of that, so I am sure we will have a very productive afternoon. Claude, welcome to the committee. Since I see a quorum, we will start. Does anybody have a question or concern he wants to raise with the Clerk of the House?

Mr J. M. Johnson: Is item 1, age limit in public galleries, under discussion?

The Chairman: Yes, it is. Start with number one.

Mr J. M. Johnson: Could I inquire about that? I asked that question for several years and I could never get a definitive answer until today. The note we have received makes mention of the fact that you are overburdened now. At the present time, the age limit is set at grade 7. My concern is that the pages start in the program when they are in grade 7, yet they have never had the opportunity to participate in the public galleries with other schoolchildren. I have suggested that the limit could be lowered to grade 5 or 6, but I would even be willing to compromise and go to grade 6.

I see by the notation I have received that children are entitled to a half-hour in the public gallery and that there is not enough accommodation space available for them. It goes on to say that their attention span seems to wane after a period of time. Would it make any sense, instead of having two groups at 30 minutes each, having three groups at 20 minutes each and bringing in grade 6?

Clerk of the House: These are all things that we can look at and we certainly will. Right now, I cannot give you much of a better answer than you have written before you by Karyn Leonard for the reasons explaining the policy that was arrived at a number of years back. I understand your preoccupation here, to get some kids younger than grade 7 in, and we will certainly look at it. The solution you are recommending will be looked at for feasibility, to see if we can work it in. If it can be, I cannot see any problems with it.

What happened, I think—I was not here—was that somebody decided there should be a cutoff as to the age limit. Somebody decided—I do not know but I think the letter you have there refers to a decision by the Speaker at the time—he made a decision of grade 7 based on recommendations that he received, I imagine.

I know of other jurisdictions where this—it surprises me, to start off with, that there is an age limit, because other jurisdictions that I am familiar with have no such age limit. It is just first come, first served. I think here what you see is probably something that you might not find

elsewhere too, that there is a preoccupation on the part of our staff here and on part of the Speakers to do some education. Somebody has made a decision that probably the best people to direct that educational effort to would be students starting around grade 7. I am just surmising that that is probably what happened.

I certainly agree with the idea of trying to do more with the kids who come than just showing them the building and sticking them in the gallery for an amount of time and letting them gain what they want. I think our staff does try to do much more than that and I think that can be all to the better. It has to be encouraged and we do so. But I certainly will take back to our staff this suggestion of yours that we might try to incorporate, and you are saying a compromise here, down to grade 6 and try to find a bit more space and more time for them. We will see if we can work that in.

Mr J. M. Johnson: I might like to just make a couple of other suggestions. The peak periods are October, November, April, May and June, and half of the galleries are set aside for the public as well. I wonder if we could maybe give preference to the schoolchildren in those five months, maybe 60 per cent, and then in the other time frames swing it 60 to 40 to the public. Certainly in the winter months it would be extremely difficult for children to be able to attend.

Also, we could consider whether three classes of 20 minutes each for the one hour rather than two would accommodate, but maybe still just in those peak periods, and in the other period of time it would not make that much difference. I really would like us to experiment with grade 6 this year with the intent of possibly dropping it to grade 5 next year, if it can be worked.

Clerk of the House: Okay, we will see what we can do for you.

Mr J. M. Johnson: Thank you.

Mr Campbell: I am prepared to support that request. I am just wondering if somehow we could remind the schools that the video portions do exist. It might help also if they are studying general government to know that. I am sure that list of schools will be available from, say, the Ministry of Education. I think they know where there schools are. I would hope that they could supply that list so that you perhaps, or the legislative television service—because it is relatively new—could reinforce the fact that we are on committees and in the Legislature. If they wanted to study that, that might also help in their awareness to dealing with the matter.

Clerk of the House: To address the point that was just raised by Mr Campbell, I was made aware last year of a very exciting program that they have at the Parliament of Australia, where they have two kits which have been developed, one for elementary school and one for high school. Within each of those kits is a video.

This has been a long-standing plan of mine as well, and we are not quite there yet but we are working our way towards it. Our broadcast branch has made to date many videos, but two of them, and I think a third one, definitely address the Legislative Assembly of Ontario. They also do a lot of videos for outside commissions and so on, the Office of the Ombudsman, the Commission on Election Finances, the office of the chief election officer and so on, but they have made two, and I think possibly three, videos that address the Legislative Assembly as such.

Another development in that sense is that you are all familiar with the



room that is just next to the Speaker's office on the first floor. There are two rooms there. I think they are referred to as the heritage rooms. One of them has been boarded up for the last couple of months, and what has been happening there is that it is being refitted. That should be ready, I think, for the opening. We are refitting it with some electronic devices, and videos will be the main fare, the idea being that teachers can bring students in there. There will be places to seat the kids, and they can watch a video on the assembly before they are taken up to the gallery, which makes a lot of sense. At least, they will get a bit of background.

Also, one of the things we want to do in the future is to develop our link with the schools, because that is the place to start. One of my preoccupations is—how shall I say?—the bad impression people have of politicians. As in many areas, the place to start is not with adults. The place to start explaining the role of a politician is in school, in a positive way. Eventually, over time, this will grow up with the kids and they will have a much better idea of what politics is all about once they are adults themselves.

Important work can be done and should be done in that field. I am just addressing what Mr Campbell has said. We will be pursuing that.

Mr J. M. Johnson: Just as a brief supplementary to that, I have had teachers who have come out of the question period time in the galleries and been absolutely furious with the question period, the way the House is conducted. I think it would be extremely important if young people did have an opportunity to be briefed in what was about to happen so that they would not be too shocked. I do not think the kids are as shocked as the teachers. I am not sure that you would correct that impression of the politicians. In fact, you might encourage some of the children to go into some other occupation.

The Chairman: Thank you. Does anyone else want to talk to that particular item? If not, item 2, telephones for committee rooms and the general telephone system was raised this morning. I forget who raised it. Do you want to speak to it, Mr DesRosiers?

Clerk of the House: Yes. I could address the situation of telephones generally, if you wish.

The Chairman: Yes. Tell us what is going on with our 1880 system.

Clerk of the House: What is going on is that there has been a decision to get a completely new system. I believe very extensive consultation has been taking place for the last year. Right now, they are at the stage of the wiring process, and that is going ahead. We are just keeping track of it week by week to make sure that things go ahead.

My biggest preoccupation all through this has been to make sure that consultation, and very complete consultation, has taken place. I am satisfied to that effect.

The Chairman: What will happen? Will each of the caucuses then have its own switchboard, the way it is now?

Clerk of the House: I cannot talk to you about the details, because I have not been involved. I think the caucuses themselves know exactly what they are going to get and what they wanted, because they were consulted. In effect, they made that decision.

1420

Mr Campbell: I think specifically what was being dealt with was sort of control or making sure that the calls were business calls and not just the other ones. I do not know, judging by the memo we got, whether that is something we can deal with.

If it is going to cost us more than \$4 to \$10 a month in extraneous charges beyond what we already do, disconnecting the phones after committee meetings, having messengers there on duty and all of that stuff, I am not sure how much more you are going to be able to do without a major security thing. For \$4 or \$10 a month, I am not sure if it is really going to be worth while, but since it has been raised by Smirle Forsyth, I felt that—

Clerk of the House: We will look into it. It is the first time it has been raised with me. We will look into it and see what can be done. From what you have just said, I take it that probably nothing much can be done about it. This is a bit of a general problem. I know it is a problem in Ottawa and it is probably a problem here, but it is a question of watching it maybe a bit more closely. But we will see. I will make sure that it is looked at and see what can be done.

Mr Breaugh: I think the obvious answer to this one is that this is an expenditure of \$4 to \$10 a month. I really would not want to spend a whole lot of staff time investigating that and I particularly would not want to spend \$30,000 in staff time investigating a \$4 expenditure.

Clerk of the House: I have not been made aware of the particular problem. I will just look at it and if it is a feasible thing we will do it. That is no problem.

Mr Campbell: Maybe the the clerk can let the Clerk have a copy of the correspondence so that he knows what he can bring up with us. I think the comment is made. Thank you.

The Chairman: Okay. The Clerk will look into that.

Clerk of the House: Sure.

The Chairman: On item 3, the sound system in room 151: There is a letter that you probably have been apprised of which has to do with the sound system. If you cannot address this at this time, maybe what we should do is get Mr Somerville in here and speak to him about it.

Clerk of the House: I think this is a perfect item to be taken up immediately by the management advisory committee. We will hand it over to Mrs Speakman, and as a responsibility she will come back with a report, see what the possibilities are and, if so, we will do it. I do not see any big problems here.

If the interpreters—I take it that it is not specifically our interpreters but the interpreters who are hired from outside to cover different meetings—are having trouble hearing and it has something to do with the sound system, then it is something that can be fixed, obviously, and then we will look into it. This item will go automatically on to the management advisory committee—

The Chairman: You will let me know then what is happening so I in turn can get back to Stephen Capaldo?

Clerk of the House: Sure.

Mr Campbell: It indicates in his memo that there is some urgency trying to get this resolved—I just point that out—before the Legislature comes back, plus there are other committees going in there now and if it is a minor correction or something can be done without—

Clerk of the House: We will get this under way right away.

Mr Campbell: Okay. Maybe the committee, on all of these items, can have a report back.

Clerk of the House: Sure.

Mr Breaugh: Could I raise one other question that is included in that memo? Some time ago a number of us were asked to comment on some different types of furniture for committee rooms. I recall that we had some desks, I think, and a few other things brought in. Can we get an update on what is happening with that? Some of the furniture in the committee rooms is pretty bad. All of it causes problems in terms of sound, setup and things of that nature. This has been discussed off and on for some time. Could you give us a little update on what is happening with that?

Clerk of the House: I will be very candid with you. First of all, I agree with you. I do not see how the committees can operate. It is one of the things that struck me when I came here—these desks and so on. They seem to me to be very clumsy, very difficult to handle. I think something much better should be found in the way of a seating arrangement, if that is your wish, but surely in the way of furniture.

What we are trying to do here is eliminate exactly this type of situation. We have had committees—your committee is one of them—studying different layouts and nothing has happened about it because nothing has gone from that committee to somebody who could do something about it. I will take this right now and I will add it to this list, because I take it this committee would like something to be looked at. It is going to go on our management advisory committee agenda committee. Our MAC agenda committee, just for your information, is a running agenda of items that come up every week. As chairman, I go through every item on that list. Every item has someone who has a responsibility for that item. That item, once it is on the list, gets reported on every week as to where it is, how we are progressing with it and so on.

I can put the furniture on. That ensures that you will get action on it. Once you have decided what type of furniture you want, the next step would be to put it on the upcoming estimates. The timing is perfect. We could put it in the estimates and get it passed and just start getting new furniture after the month of March.

Mr Breaugh: We went through the whole process of looking at different designs and some suggestions on how to set up the room and we had some models to look at. I thought that, as far as we could take it, it had been done. We chose a particular design, and I thought that it would then proceed to go into estimates and, at the time the furniture would be replaced, that would happen. It seems to have disappeared.

Clerk of the House: It never got to me.



The Chairman: I think what happened was that they had two or three samples in the building. A number of us looked at those samples. We gave them the preference as far as those samples were concerned.

Clerk of the House: You gave whom the preference?

The Chairman: Was it Mr Somerville? Who brought those tables in?

Mr Breaugh: Yes.

The Chairman: Was it Mr Somerville or was it the Sergeant at Arms?

Mr Breaugh: Both of them were involved in it. It is my understanding that they got some prices and some quotes from people and, between the two of them, they brought forward some people who had samples for us to look at. I had assumed that it would simply go into the normal budgetary process then, and it did not.

But the Clerk brings up an interesting problem here. I think it is time that we had a little look at the structure of the committees, because that is the problem. It comes to this committee, and we decide we would like to do something. Then no one is quite sure where it goes after that, so it does not go anywhere.

Clerk of the House: But it is very easy for your committee to make a decision of that kind, what I call an administrative decision, that it wants something to happen around here. That is an expression of the standing committee on the Legislative Assembly, which I think has as one of its duties and responsibilities to reflect what the members in this place want. By simply directing the clerk of your committee to pass on this information to the Clerk of the House to make sure that it gets addressed in the management advisory committee, that does not mean the management advisory committee will debate the pros and cons of what you have decided. It means the management advisory committee will see that it happens.

Mr Breaugh: Well, okay. I will await next year's report on why it did not happen.

Clerk of the House: It will happen.

The Chairman: One of the things that has helped to muddy the waters, but I do not say that in a negative sense, is the restoration. We did not want to forge ahead with doing things and then find out later on that we did not need it all.

One of the things I would like to see is to maybe get some tables, at least in the Amethyst Room, because it will probably stay intact. I would like to get a good sample in there so we know what we are working with. Then, if we want to do it in other rooms and continue that same model into other rooms, we would have some idea. But for us to go out now and spend a lot of money in buying new tables for all the present rooms, I would be opposed to that. I really would be, because I would see that it might be a lot of money wasted in the long run. Five years from now, when we get closer to the completion of restoration or whatever, they may not be the tables we want.

The other thing I would like to say is that in looking at the sample tables that they had here, they needed a lot of changes and we recommended changes. They were not very solid and so forth. I do not know whether there

are suitable tables in another Legislature that we should look at and then use them for here or whether we have to get a completely new one designed so that it is suitable for this. The kind of tables they have in boardrooms are not the kind of tables we need here. Do you know what I mean?

Clerk of the House: I agree with that.

The Chairman: Therefore, you need something unique for this building, unique to every Legislature.

Clerk of the House: From what you are telling me, it does not appear that this committee reached a very precise decision.

The Chairman: That is true.

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Clerk of the House: We will take it as that, then. On the subject of furniture, I do not know. Other jurisdictions have very simple furniture. I think there is a requirement here, because that is the way the members want it, to have a certain amount of seating by party. That is up to the members of the committees; if they want to do that, that is fine.

I do not know whether you are familiar with the committee furniture in Ottawa. They are very simple pieces of furniture, just tables, desks with a front on them that you can configure in any way you like, and they usually configure them in a U.

The Chairman: They are single desks.

Clerk of the House: They are single desks, but they put them all together and they usually configure them in a U. The chairman and the clerk sit at the top of the U and you have members on one side and members on the other, and if you have witnesses they usually sit at the other end of the U. They wire it up for sound every time. That is the way they operate: nothing very fancy, very simple furniture, really. It does not have any of the permanency of this plywood stuff here; it is much easier to move around and to configure in different ways. It fits rather nicely because it is very nondescript; it is not ugly and it is not beautiful, so it fits very nicely in any type of room you like.

The Chairman: It fits the image of Ottawa.

Clerk of the House: There you are.

Mr Campbell: It is MGS modern.

Clerk of the House: Yes, sort of.

But this is the type of thing: it is not for staff to decide what type of furniture the committees want; it is for the committees. Then, on the other hand, you can figure that as many committees as you have, you might get as many different opinions, so somebody has to saw it off some place. I think it is probably for this committee to arrive at a decision which would affect other committees—I have no problems with this—because you are supposed to be the committee which—

The Chairman: I have no problem with that, because other committees



make recommendations to the House on other matters that affect our committee.

Clerk of the House: I would say to this committee to go ahead, make a decision and report that decision through your clerk to me and we will get some action on it.

The Chairman: Very good.

Mr Campbell: Sometimes for those of us who have sat on the committee for a fair amount of time, some of these decisions—I think we pointed out a little earlier that there was another problem outside that the whole committee has not dealt with, and that is restoration, that had a bearing on that factor. Sometimes it is budget and whether or not the budgetary process is there. In saying that, we do not do a line-by-line budget item expense at this committee level dealing with this operation, and that sometimes voices some of the frustrations we may have when we look at stuff and then we do not know where it goes.

I guess pointing that out means that this kind of exercise we are going through this afternoon is very beneficial, because it brings the members up to date on the actual workings so we can feel that the work can be accomplished or that what we are recommending is within the realm of possibility. You pointed out very clearly what some of those things are and maybe we can continue doing that.

Clerk of the House: You talk about restoration. It is not for me to decide these matters, but my own personal opinion is that the nature of the desks that you equip committees with is not going to have a twig to do with restoration, unless you want to change your whole committee system and you want to have a Washington-type thing with a dais in front. I do not think you want to do that. You might want to renovate the room, but I think you would probably go through a set of desks before you renovate this room; I do not know.

Mr Campbell: You are probably right.

The Chairman: I hope we will not take that long.

Clerk of the House: I do not want to be negative here.

Mr Breaugh: Maybe we could get some of the tape off the floor, though—that would be a start—and tack up some of the loose wires that are dangling in front of all these desks. Maybe we could start there.

The Chairman: Do an upholstery job in some of the areas—

Mr Breaugh: Before you reupholster, maybe you could fix the lights too; that might help.

The Chairman: You mean, put some—

Mr Breaugh: I mean put what are commonly known in the trade as lightbulbs in there, so that when you pull the switch the light actually comes on. I do not want any pure restoration work in there; I think an ordinary lightbulb would probably do it.

The Chairman: Okay. Moving right along, the computer services and training bureau: Mr Sterling raised this this morning.



Mr Sterling: Mr Clerk, you have heard me talk briefly about this before. My concern in a number of the departments underneath you—I think we are struggling with one now in terms of security, for instance, to take that as an issue, where the Speaker is attempting to get some idea from the members of the Legislature of what the mandate of our security force, if you want to call it that, our security service in this building, should be.

I am concerned about other areas in the Legislature which may or may not have a mandate, or a mixed mandate, or whose mandate might have changed over the years.

The one I immediately saw where I thought—there may or may not be a problem, I do not know, and I think I explained it to you before when I talked to you privately about this or in another committee, I am not sure which. I just wonder whether, when we look at the various services we demand as members, we should not review the mandate we give to the directors of these branches, if you want to call them that, of the Legislative Assembly.

I have to tell you quite frankly that I am concerned that the expenses of the Legislative Assembly have risen probably faster than any other government expenditure, bar none, over the last 10, 15 years or so. I do not have trouble supporting a lot of those increases. Then again, when you are going through a dramatic increase in services, there is a lot of room for mismanagement, misdirection, whatever, and I think good managers continually require their managers to write down specifically what their goals are and what services are in fact provided.

I understand, as I mentioned this morning, that the computer services and training bureau now has a budget in the neighbourhood of \$2.5 million. I am not sure how much of that is capital and how much is salary, but I think they are up to—the number I had in my head is 23 to 30 people. Added to that, we have in each of our caucus budgets an amount set aside for people to help us out within our caucus structure.

I have no evidence that the people in the computer services and training bureau are not working hard and whatever. I am just wondering whether we need a \$2.5 million budget and 23 people there in order to maintain security, as Mr Campbell brought up this morning in committee, the necessary security which we need in our systems; or whether we should at this point in time be looking outside for training programs and that kind of thing.

That is just an example. That is not necessarily pegging any one area. I think we should do the same for the Legislative library. I think we turn a blind eye to the Legislative library in saying it is a wonderful institution and therefore it should carry on for ever and it should never be questioned as to what it is doing or what service it is providing, who it is providing the service to. Legislative research, whether they are or are not providing what the members want.

I would like to ask you if you could subdivide that down into areas where mandates are needed, because you are the chief administrator of the Legislative Assembly. Do you think that is a worthwhile process for this committee to go through?

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Clerk of the House: I think I will just address this generally, because it is a very good point and I have things to say on this. I will check

into the figures here. I am not quite familiar with it and I do not know if it is \$2.5 million or \$1.5 million or what have you. That is really beside the point.

Mr Sterling: It is not really relevant.

Clerk of the House: But it is significant in the sense that there is a problem here. This Legislature is maturing very quickly, and I use the term "maturity" in a very positive way. It is changing very quickly. It is developing very quickly. In doing so, it is having quite a few growing pains. Let's face it, it is going from an era where—when you say there were fewer services, there were nearly no services—to an era where the services provided here are as good as, if not better, than anything I know about in the way of members' services.

In doing that, there have been some errors made, in my view. I think this area in particular is one we are going to have to look at very closely, in conjunction with the caucuses, in conjunction with the members and so on.

When I arrived here, there was a big, thick book that was plopped on to my desk the first week I was here. The title of that big, thick book was the Global Strategic Plan. I looked at it, I turned it around and I looked at it from a few angles and it still looked like a big, thick book, and the title still looked like something out of a James Bond movie. I made an attempt to read it, then I quit. I went to see the Speaker, and at that point the board had adopted the damned thing. I went to see the Speaker and I said: "Speaker, the jig is up. I'm sorry, I will not take responsibility for this thing, because it just won't work." But I said, "We're going to have to try to make it work as best we can, because this is all we've got."

The basic principle in the Global Strategic Plan was a committee called the legislative information systems management committee. The membership of the committee is the three caucus secretaries, the principal secretaries, plus one representative of the rest of the Office of the Assembly. That committee has been meeting since its inception, with the representative of the rest of the assembly being Mr Land, who was quickly appointed chairman of that committee. Mr Land sat on that committee as chairman with the three principal secretaries, mainly Mr Ashworth, Mr Sears and Mr Clute. Those three people are very busy people. It is very difficult for them to get together. Second, it did not really make sense. The committee has always existed. It is still there. It meets now and then and so on, and they are supposed to make the policy for this place, but it obviously has not worked.

The other problem which is inherent to the whole information systems package here is that if you try to follow the Global Strategic Plan, it calls for the spending of so much money a year, this being year three or whatever year we are in, which is supposed to be calling for a certain thing to happen in year three. In order to do that, you have to put money in the pot, and for some reason the money has not been coming forward. So caucuses have been going out on their own—and I think you referred to it—they have received other moneys directly and have gone ahead and purchased.

This has created headaches just beyond belief for the person I turn around to, namely, Bill Fowler, and say, "You make the systems work in this place." Fowler turns around and says: "How can I? We've got umpteen different things. People are going left, right and centre and buying all kinds of different things and I can't make it work."

This is something we are looking at and we are going to really get down to brass tacks. We are really going to look at it because it is not too late to fix it. But you bring up the prospect of the training thing. It was decided at the inception—this was before I came here and so on—that you would have a system that would be secure from caucus to caucus and information to information. I think there was too much preoccupation with security in this place. I think a much simpler system could have been devised.

I am speaking very candidly to you today. I could not speak this way two years ago; I did not know what the hell I would have been speaking about. But today I think one of the problems is the caucuses being in this place, running a lot of it, having their own agenda and so on. I do not want to take over the agenda of the caucuses. That is not my business. But when you at the same time turn around and ask Bill Fowler to help run and integrate all those systems, it just does not work. That is part of the problem, so we are going to have to look at it, yes.

On number seven on the list here, which I can talk about right now—Mr McClelland brought this up, I think—nearly the same words can apply to printing because, in my sense, you have a print shop and Joe Blow who is operating the print shop does not give a darn what is written on the bloody thing that he is printing. He could not care less. It makes a hell of a lot more sense to have one print shop that is operated by employees than to have three different print shops that are operated by caucuses in the name of security. This is not for me to decide at all.

Mr Sterling: That is right, because I could give you a good argument on the last one.

Clerk of the House: I know, but when people talk to me about printing, that is the only argument I can give them because I have lived for 17 years with this system in Ottawa where the print shop is in the basement of the Wellington building. It changed twice in the meantime, but now it is in the basement of the Wellington building. It occupies the whole basement. Employees of the House of Commons print the damn stuff and they do not read it.

Mr Sterling: The people in our print shop create it. That is different.

Clerk of the House: Yes, but they could send it someplace to be printed after they created it. Anyway, that is for you to decide; not for me. It is a bit of the same problem.

Mr Sterling: Yes. I have listed some of the others in item five as well. Who should be making that policy or that mandate? I think eventually it would be the Speaker, but the Speaker wants to act on advice of the members.

Clerk of the House: Well, okay.

Mr Sterling: I was not aware of this, even though I have been here for too long.

Mr Campbell: That is your version of that, not someone else's.

Mr Breaugh: But no one disagreed.

Mr Campbell: I just wanted to make that clear.



Mr Sterling: I can always count on my friend from Oshawa. The LIST committee, or whatever it is: I was not aware that this committee was even in existence, or whatever. Notwithstanding what you are saying about them not meeting, they do not represent the interests of the members.

Clerk of the House: No, of course not.

Mr Sterling: They represent the interests of the leaders, and the interests of the leaders are very much different than the interests of the members.

Clerk of the House: I could not agree with you more.

Mr Sterling: Where do we go from here?

Clerk of the House: On your number five here, the mandates: I agree with you. I could not agree more. Because Legislative libraries are supposed to be such good things, does it mean that our Legislative Library is? Let's look at it. I have no problems with that. The research service and Mr Land, who I believe does a very good job, has an annual report every year where he gives a lot of statistics and so on, and then how many members were serviced by the research office and so on. I think research probably does a very good job.

But your point is that because an institution exists and has existed for a long time, and has increased its spending and its influence over that same time, does not necessarily mean that it is—

Mr Sterling: Serving the members.

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Clerk of the House: Yes, and that it has to be looked at now and then. The office of the controller—we have an item we have discussed but we have not come to a decision on. Maybe you people would like to give this a whirl. The office of the controller: I know what he does in the sense that his direct employees are the director of finance and the finance branch and the director of human resources. I have no problems with that, but the name implies that this person is here to do some controlling. If he finds something out of whack in the Clerk's office, I have no problems at all with this person blowing whistles left, right and centre, but what happens if this person finds something out of whack in one of the caucuses? He is asking the question of me, what does he do? Who does he blow whistles to? I have said to him:

"Listen, we are going to talk about this. We are going to talk about it long and clear and involve other people in this discussion. In the meantime, if you feel you have any whistles to blow on activities of certain caucuses, come and see me, and I will see the Speaker, and the three of us can meet and discuss the seriousness and probably we will see other people."

But there is some preoccupation with the role of this person. Have we hired him to be a whistle-blower? I do not know. I seriously doubt it, but that is what controllers do, do they not? These are the types of things we are—this item is on our agenda. We are looking at it. We discuss it now and then and we say: "Okay, we will think about it a bit more. It is not quite ripe yet." One of these days we will want to talk to the board about it. I have no problems talking to you people about it, and I am today. This is why I so readily agreed and I thought it was a super idea that I would meet with you

at least twice a year, because it is very important that I do so, that I get this sounding, because you are here to represent and to tell me what the rest of the members are thinking.

Legislative Assembly services? It is a new branch, and I think Ms Speakman has been here a couple of times. That is fine. I think I can report on where we are there. The whole idea behind this, the main reason for this service is to operate the contracting we have inherited out of the memorandum of understanding. With the memorandum of understanding we contract for all the work, we are responsible, we have the money in our budget, roughly \$7 million now, to operate and maintain this place. The figure \$7 million, and I think it is up to fund, the final figure was \$10 million that was transferred, I think. That figure is easily arrived at. It is what the Ministry of Government Services used to budget for this place. That is not saying that we cannot maybe cut down on that, I do not know, but we are going to try to work with it and see what happens here.

The idea is that we are going to contract for most of the stuff with the people who have been used to doing it. The only main big difference is that now we will have something to write into a contract. We can insist on the terms of the contract, and if we are talking about maintenance, about wires and about this, we have a direct input here. We do not have to talk to some bureaucrat, we have a contract on which to base it. Also, if it does not work out, if we do not like and the members do not like and the people around here do not like the way we grow flowers here or MGS grows flowers for us, we have the option of going outside. That is the option we now have. We do not want to, because there has been a relationship with MGS over a number of years and if they do a good job with a comparable fee it would cost us, why put people out of work? This is where we are at now.

Mr Sterling: That is the most easy in terms of figuring out what the mandate is, but in terms of the other areas where do you think, number one—I am not interested in going into a process of having Bill Fowler come in front of us, if you do not feel he is ready or we are ready or it should be done at this time. Are there areas where you think we should be going at first to clarify the mandate for the Speaker, because eventually the Speaker has to answer to the members as to what services are being provided. I think he has responsibility for the overall budget here.

Clerk of the House: There is one item, you mentioned it before, which I know preoccupies the Speaker greatly and that is security. The Speaker, I know, has been to each caucus representative and asked for a reply, for information, for feedback on a certain plan that he had put forward.

The Chairman: He is coming back, by the way, tomorrow.

Clerk of the House: That is fine. I will tell you, as clerk, I am not responsible for security any more, but I have my ideas on security and there are certain elements to this building that have to be looked at. Now the Speaker was the Speakers' Conference in January and one of the items that was presented by Quebec was on security. The bottom line of that item and all the Speakers around the table agreed, is that security is the Speaker's responsibility.

Members want to be accessible and that is fine, but if something happens here as happened in Quebec, unanimously, all fingers are going to point to one person and that is Speaker. They are going to say, "What have you done to prevent this?" I told the Speaker, on the plane back from Newfoundland at that



conference: "Speaker, they are right. Yes the members will decide this item, but at least you have to have put something in front of them. You have to be able to say, 'This is what I have tried, guys.'"

So this is where he is at and I support him. Again, I just work here; I work for you people. You are the people who are going to decide what type of security. I can have an opinion on it. If you want it, I will give it to you. That is where it is at. That is where the Speaker is at and that is something that would help immensely if a group—Because the Speaker cannot go to all the member's office because you go to too many people, you get too many different answers. Now this is where this group can be extremely helpful to the Speaker and be precise and say, "This is what you should do."

Mr Sterling: Are there other areas where you—

Clerk of the House: I think a lot of the other areas, when you talk about legislative assembly services, and that whole area, will be looked at in the sense of—That is an area where really a lot of it will be affected by renovation, by what the renovation and restoration committee decides this building should be used for. A lot of that. So that is coming, it is in the works, it will be followed.

The Legislative Library, I think, we will put it on our agenda and we will look at it. We will critique the library. We will see if it is effective. We will see if it doing well. We will compare it with other libraries and see how it is doing. I think that is a worthwhile project. The controller, well we are doing it. That is on our agenda and we are doing it. We are not quite ready to decide the whole thing, but I think we pretty well know where we are going. I think probably we will come to the understanding that as far as the controller goes for members, that we should probably keep something very similar to what we have right now. If something sensitive happens in one of the caucuses, then the clerk would be made aware, the Speaker should be made aware and then the caucus leaders of that caucus should be made aware.

Mr Sterling: When you say "our" agenda, whose agenda are you referring to?

Clerk of the House: The management advisory committee. The agenda of the committee that looks after the administration of this place, under the board.

The Chairman: The Clerk of the House is the chairman of that.

Mr Sterling: When you are deciding the mandate of these various groups, like the legislative library, where do we get our kick at the cat?

Clerk of the House: Listen you can get your kick at the cat any time you want to.

Mr Sterling: No, no. I mean it has to be an intelligent kick. In other words, you know the options have to be brought forward to the politicians.

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Clerk of the House: Yes. There is something that I want to be very clear here. There is a board. I mean the decision-making here gets made by the board. It does not get made by the management advisory committee. It gets made



by the board.

You have input to the board. The board directs us. The board has meetings approximately once a month and out of those meetings come two or three items that they ask the management advisory committee to do. Out of every meeting of the board there are two or three items that we have asked the board to look at. The rest of the agenda of the board is made up from items that come directly to the board but from members. It could come from this committee, from anybody. There is no one making up the agenda of the board.

There used to be a time when that was the case here. That is no longer the case. The management advisory committee is one of the participants who makes up the agenda of the board. The rest are the members. The board deals directly with items, for example, of a member saying, "We would like car phones." That does not go to the management advisory committee. That goes to the board. Now the board might turn around and ask the management advisory committee to look at it and report back to the board, but it will not ask the management advisory committee to take a decision on it.

The main purpose of the management advisory committee is to look at the day-to-day administration of this place. I come here twice a year and report and answer your questions on the day-to-day management. You are saying to me, "This committee wishes that you would take a serious look at the mandate of your different directorates, library, controller, assembly services." I think that is a very good idea. I will come back here and tell you about it and then you will get your intelligent kick.

Mr Breaugh: I wanted to talk a little bit about a couple of other things that are related to this. One of the things that I have to admit is that we have come out of an era where we really had no decision-making process here at all. It is perhaps quite logical that we will run into some problems when we try to put that in, but one of the things that would be helpful, I think, would be to try to get us to a process where we do—for example, it has always fascinated me that each year some new decision-making group is discovered around here, a group of people that most of us as members never heard of, were unaware that they were in operation, makes a decision and something arrives in your office.

I think it is almost time that somebody tried to put together a list or an anecdotal report of who all of these groups are and what they are doing. I think that would be helpful, because most of us—

Mr Campbell: Radically.

Mr Breaugh: Some do not want to know this, I know. The other problem I think that has to be addressed too is what is the role of the members in all of this? For example, I have no ambition to be an administrator here. I have not the slightest inclination to do that. I understand that all of these other administrative decisions have an impact on how I do my job, but it is not my job to keep an inventory of the number of pencils in my office and I do not have a desire to do that. But I think, as Mr Sterling said, because you are affected by whatever these decisions are, you want an opportunity to have some input in whether it is a security matter or the purchase of computers or whatever.

I think one of the useful exercises that we should go through in the next little while is to, first of all, identify what are these decision-making processes now? Because I do not think they are clearly understood. Nor are we

knowledgeable about who is doing what. The second thing is something that you touched on. One of the things that I think is complicating matters somewhat is—and perhaps in a political operation or a place where there is politics involved, it is pretty natural that it comes forward. I am not sure, as you said, for example, that the principal secretaries are essentially here to figure out what kind of computers to buy. I really do not think that is appropriate.

I know the Board of Internal Economy has struggled somewhat to get a handle on what its job is, but I also know that decisions, for example, that we make here in this committee, given enough time, some day will turn up on the board's agenda, because I read those minutes. The irony that I find is that no one from this committee goes to the board and says, "This is what my committee said and this is what we wanted to do." The board generally says yes or no. There is no Hansard kept in that committee, but you can kind of find out what the discussion was all about.

To give you an example, the members of this committee thought it would be not an atrocious expenditure and would be useful to put a television monitor in each of the committee rooms, because people who sit on this committee are often called back to the House for a vote, have an interest in what is going on in there and would like to keep an eye on the progress of various bills. I can be in this committee for half an hour, and 20 minutes later, I will have to show up in the House to carry a bill.

On the day when the members of the Board of Internal Economy voted on that particular matter, which was almost a year to the day after it left this committee's doors, they all said no. I am not quite sure why, but I do know that most of the people who sat on the board never have to do the job from my perspective. They do not sit in the committee rooms. They are sitting in some other rooms and they are doing a totally different function than I am. I am not sure that anybody ever communicated why the members of this committee thought that was not a bad thought.

I cannot believe that a board that, I think in that same meeting, spent a whole bunch of money for a whole lot of things turned it down on a financial basis. I do not think the purchase of four or five television sets would break the assembly. I think we have a little confusion about how we make these decisions and what is appropriate.

I think it would be useful to spend a little bit of time in the next year trying to sort this out a little bit. For example, it would work better if we did not have committees of the assembly conflicting with one another over who is supposed to do what, if we sorted out what a principal secretary does.

One of the problems I think we are going to have to struggle with a bit, and it speaks to some of the things that you talked about, people kind of going around the system here, is that it is not just that people want to give their opinions on what you do or, in a normal financial sense, keep track of how you are spending the money, but they also seem to insist on having a say in whether it is appropriate for you to do it that way or not. I think that is a concept that we are going to have to discard.

I think that the Board of Internal Economy ought to set the budgets around here and then it ought to keep its nose out of business after that. I am happy that the controller now provides me with computer sheets of expenditures for my office. They are kept in his own wonderful way, and I do



not always understand exactly what is there, but at least now, for the first time since I have been a member, I am aware that somebody is keeping tabs of what the expenditures are.

It is confusing, because I see accounts on there that I know nothing of. When I trace it back, I find out what happened was that someone on my staff ordered pins or something. The Ministry of Government Services bought them from a particular company that I never heard of, and all of a sudden that expenditure comes up in my report. But with a little digging, I can find out how much was spent and what it was for.

I would like to see a little—and I do not mean a full-scale review of the whole deal—thought going into the decision-making process around here and where this committee fits into it, where the Board of Internal Economy fits into it. I am not sure that we will, because I know that the temptation always is there. When somebody does a riding report that some other member of the House thinks is inappropriate, partisan or political in nature—God forbid that politics would ever enter this chamber—he cannot resist the temptation of standing up and saying, "See what you printed at government expense?"

I suppose that is fair game. They can always do that, but I do not think it is any of their business. What I print in my riding report is my business. The assembly should be involved in how much it costs and how many times a year I do that. As far as all of that financial side of it is concerned, there should be proper accounting to that process, but whether I chose the right words—for example, you raised the matter of the print shop. I think the biggest stumbling block towards one print shop here is very simply that none of the caucuses is going to let its material be vetted by anybody else.

I know individual members in our caucus are really unhappy that somebody wants to take a look at a press release. Somehow this is an infringement on their rights. Now, we have tried to convince them that we do not want to vet their material but we would like to help them put out an effective press release and we would like to see that there are not 19 press releases coming from the same caucus within an hour. There is that problem.

I think it would be useful to kind of start the process of who makes the decisions, what is appropriate for each group to do and how much time and money we really waste sitting around trying to figure out who is making the decisions any more.

1510

Clerk of the House: If this committee feels it would like to do that, I would certainly enjoy spending a whole meeting with you trying to explain and answer your questions and getting a fix on exactly what the decision-making process is here. I know that decision-making processes are never the best you can have. Maybe out of that would come a new twist, a better way; maybe we could find some input where somebody is being left completely out of the decision-making process and maybe we can help that in that way. I would certainly be prepared to come here and really tear it apart. We can do that now, because it is yours.

People might say: "You are crazy, DesRosiers. It is not really the members' system. It never was and it never will be." But I say: "I am sorry. It has changed a lot." It did not use to be yours, but it is yours to do it now. I am not necessarily speaking about this committee, but I am saying that this committee has to be the only group of members who can, by our standing



orders, speak for the members. I think you are probably right when you address the board and talk about the monitors in this place. You are right. There is nobody on that board who has sat where you sit and would appreciate the need for a monitor. That is the way it happened. They said no. I think they were trying to find money to cut. I really do.

When I assist at the board, I am not there to speak for monitors and TV rooms. My job is to take the item, monitors and TV rooms, and put it in the estimates that will go to the board. When somebody asks, "Why monitors and TV rooms?" then it is also my job to explain why. But I cannot fight for it; that is it. I explain why or Mr Somerville in my name explains why, because he goes there when they address those estimates. He says that the members would appreciate it because it would save a lot of time and they would know exactly what is going on in the chamber at all times and it would be very useful for them. The board makes a collective decision that says, "No, this is not an item we are ready to spend on this year."

That is where the game ends, but I would love to look at it from a conceptual point of view. We know what the elements of the game are right now. There is the board, there is the MAC, there is this committee, there are the members, there is a restoration renovation committee and so on, there is the list committee. There are a few dangles, as you say; a few you discover and say, "Oh, my God, what does that bird eat for breakfast?" But I would love to do it. Let's look at it.

This committee can turn right around, without a big to-do, and start making recommendations. I hear members complain sometimes: "This committee can't do a thing. It has no power. It is only a committee and is not part of the decision-making process." This committee probably has more power, you know, than it thinks, because this committee, in one fell swoop, can write a report if it wants to be of one mind, toss it into the House and make noise with that report if it wants to.

You will say to me: "Yes, but if that report is never adopted or is never debated or we have to fight like crazy to get a House leader to get us half an hour's debate on the report we tendered." But there are other jurisdictions that have struggled with the same problem. There are ways. What you must realize is that this is part and parcel of this maturing process I was talking about. As much as you can make a report to the House, you can also make a report directly to the board if you so wish. The board has to understand that.

Mr Sterling: I think our real weakness has been that we have stood back and sent reports off to the board without requesting a confrontation with it on the item. Maybe what we should do when we make a report to the Board of Internal Economy is say we want to do it orally in front of them.

Clerk of the House: Sure.

The Chairman: That is what I was just going to say. When you were talking about the TV monitors, we sent it to them and we waited and waited and waited. Then all of a sudden they discussed it and said "negative." We did not know when it was going to come up, otherwise we would have gone.

Clerk of the House: They were keeping it for estimates, which was the normal time for it to come up.

Mr Sterling: I thought it was such a minor item that it did not

require that much. Maybe what we should do is say, "If you are going to be negative on this, then give us an opportunity to come."

Clerk of the House: Any member who wants to appear before the board on an item—I do not think the board would dare refuse that member. I mean, that is fair ball. I say "dare." I should not even use that word, because I do not think the board would even think of not asking for that person.

Mr Breaugh: At any rate, I think that would be a useful exercise to pursue. Whether that is in the manner of just some further discussion on it or—in my view, anyway, the idea of having you visit with the committee a couple of times a year was to provide a little bit of a focus point so that we could begin to do these kind of things. I think that would be useful.

One of the things that I think has to be looked at also is that there are going to be changes in the nature of how this place works. The new standing orders will change rather dramatically what the committees do and how they do it. For example, the workload of the legislative library is going to change, because I would anticipate that there will be a reasonable demand for services from committees now in areas which the legislative library has not been as active on in the past. As the House changes and the way the place functions begins to alter its course a bit, those people who try to serve the House are going to have to respond to that. I think they will have to get right into it.

Mr Curling: My experience in this committee is about two hours or so. I somehow hesitate to make any criticism, but an observation that I seem to—

The Chairman: Please do.

Mr Sterling: That is not going to stop you.

Mr Curling: Exactly.

Mr Breaugh: It has never stopped Normie.

Mr Curling: Having waited about four years to make some criticisms, I think it is about time. I would be better off saying it earlier than later. It seems to me we are struggling with the question, what is the mandate of this committee? Somehow when I hear the Clerk speak, it is like we are asking him: "How do we run? How do we get to be effective?" That is why before, when I got here, I wanted to put the mandate out and say: "Okay, here is the reporting procedure. Here are the things that we can deal with."

It reminds me, and very much so, of being appointed to the Ministry of Housing. The first question I was asked as Minister of Housing was about the housing policy of the government, and I said, "What housing policy?" I was quoted very widely. Because I, in my view too, thought immediately: "Here is a mandate. Here is a procedure which you follow. Here is what we do." Coming to committees like this, I would have got the mandate: "Here is the committee structure. Here is our report. Here are the issues that we deal with." The process that I am hearing from the Clerk is that this is a great committee. You know, "You could be doing this and you could be doing that." It seems that we are not doing it or we are not taking the initiative or we do not have that kind of mandate itself.

I have walked past the heritage rooms or something on the restoration



and refurbishing or whatever it is for almost a year, or maybe less, and it is not getting off the ground or getting there. I do not know what is really holding it up there. But what strikes me very much here is that this building is historic, of the past, and has nothing of the present. If anyone walks into this place and would like to know who the Premier is and who the official leader is, right off, visually he cannot. If you go to Houston, Texas, and walk into the airport, there are huge pictures of the governor and the councillors and what have you. You get a feeling of who is governing or who is in charge. Here, when you walk inside, you do not even know.

I am just wondering, and I could put the question to the Clerk both ways, what is holding up having some sort of present image of what is happening here? This committee should be asking itself: "Have we addressed that? Have we asked that? Is that inside the process?"

1520

The Chairman: I am surprised, Mr Curling, you do not realize that one of the best-kept secrets here is not to tell people who the Premier is.

Clerk of the House: This is a very interesting concept and I would like to address it a bit. There has been a special committee created to look at restoration and renovation of this place. This addresses a whole philosophical item that you have just brought up.

When you look at a building like this, your first reaction is that this is historic; this is old. Some people will say: "Yes, and we have to keep it that way. Because it is historic, because it is old, you have to keep it old and historic." I resist that because I would hate to see this building turned into a museum. It is not old. It has a lot of getting old yet to do.

In 500 years somebody is going to tear down the Bank of Montreal tower because it is going to be obsolete, but nobody is going to tear down this building. In 500 years it is going to start maybe getting old, but in history what is old? This building is not even 100 years old. It is brand-new. It is time people started thinking of making it useful for the people who live here. There is nothing magical. This is not an old building; I am sorry. It is not even 100 years old and it should be here in 500 years, but if we start making a museum of the place before it is hardly 100 years old, what is it going to be like in 500 years?

It is a whole different outlook and the special committee that is looking at renovation has to have that in mind. How do you make this place good and active for the people here, for the present? Let somebody else in 50 years' time worry about the present. He will probably go about it in a different way, but you have to look at today and keep it going.

Obviously the first decision you have to make is: Do we want to keep it? Do we want a Bank of Montreal tower or do we want to keep this place? My own opinion is that you should keep it, but then that is for you to decide. Once you have decided that, then you have to start thinking that way: not thinking that it is old, but thinking that it is new. If it is new, it is worth spending money on it, because you have to keep it a long time.

That is the conception I have of what you raise, and I agree with you. As far as the heritage room is concerned, I think it is only six months, but it is going to open before the House opens. The other six months was because people were hesitating to do anything with that room because it had been there



so long. The reason it was shut was because there was some terrible graffiti in there. We would not want the kids to see that. While people were deciding on what to do with it, we shut it, but it is going to be open in a couple of weeks.

Mr Curling: You addressed one concern: the concern of who makes the decisions, who discusses it. It is not yet—

Clerk of the House: About the building?

Mr Curling: In other words, here we are—

Clerk of the House: The heritage rooms were an idea that was developed in the management advisory committee. That idea was proposed to the board and the board accepted it.

Mr Curling: Yes.

Clerk of the House: I am just giving you an example of how that happened.

Mr Curling: Yes. For instance, I may raise the point of who is the Premier if I walk into this building. I am talking about a service the Legislative Assembly offers. Who is the Leader of the Opposition? What does the cabinet constitute? Who are the back-benchers? If you do not have a tour of someone telling you all of this, you do not know. I see busloads of people walking up here. I just came from Washington on the weekend and they do not even know where Ontario is, if it is south or east or west. Thousands of people are still coming through here and somehow the message is not getting through. They are taking pictures against some statue whose identity maybe I have not even yet read. There is something wrong. That message, that image, that visual thing is not there.

The Chairman: You raise an interesting point and it is something that the management committee could take up or whatever. Have something out there, a chart or whatever, and have it under glass, as to the Premier and the cabinet and the Legislature and the way the whole system works by chart form.

Mr Curling: What I am saying is the process. This legislative committee is the one that would talk about this. It is here, then it moves on and it is followed up and said, "Where is that that we had instructed to do that?" We would talk for ever. I just want to know how many people read Hansard anyhow. Some people are sort of attached to that kind of stuff and then it moves on. We do the talking. Where is the walking? We have a decision to make.

Mr Campbell: A lot of what I was going to say has been said so I will probably be a little briefer than I would have been otherwise. Somebody says "Thank God," too.

It has been my short experience on this committee, and I have been here only about a year, that the decision-making process, while it is informally with us, is not delineated. I am not sure how many people understand that this is the case. There is, I think, from the remarks you made, a frustration level with some of the members who feel that this committee is not as able to deal as quickly with some of the issues of the day as it should.

I recall that the fastest action I got was when another member made some

comments about some things we were discussing and left the room. It was really up to me to read into Hansard a number of concerns. We really got action quickly because we got our budgets changed a little bit. I think we can do this step by step and sort of modernize how we do business. I think it has to be more formal than that. I think there has to be a more formal linkage between the various decision-makers to make sure that we all understand what the roles of the various decision-makers are. Then we can perhaps get a handle on attacking some of those issues that I think members want us to do. Because it is not high on the agenda, it does not mean it is not important; it means they have given up on some of these things or how long somebody has to carry the ball.

Perhaps it is time for you to meet more regularly with us, subject to your schedule. I understand that; but to really bring us up to date more than just in an afternoon or a couple of hours in one session, you can report more specifically on some of the items that we discuss so that we have a sense of, even though the restoration committee is the subcommittee of this committee, where we are really going on that. Maybe that is not your job, maybe it is somebody else's, but at least identify that, "Yes, we have a report every once in while from the restoration committee. These are some of the concerns that we have raised in this committee and where they have gone."

My sense is that the television monitors and the item on the budget that I brought up are two of the things that we have discussed that went somewhere. Now, one was positive and maybe one was negative, but at least they went somewhere. But it took an awful long time. If the sense is that if we cannot deal with the small things rather readily—like monitors—then how long does it take to get other things done, which scares the heck out of me, because I think our job is to move things along and stay with the times. I often think that we would still be using sleeve garters and quill pens if we were reacting at the glacial speed that we react on some of these other items.

I merely make that observation and I am wondering if it is in order to have the Clerk come perhaps quarterly instead of twice a year—or more often at the call of the chair or this committee—if he would not mind coming before us and dealing with specific items, because I think this has been a good exercise now. I think it has got out a lot of the stuff so that he has a sense of what we are doing. But I think it can be done more positively on a more regular basis. We can chit-chat and try to get around some of these issues that I think the ordinary member who is not on this committee perhaps and other members, can see that we are trying to make progress. I think that would help in a lot of members' minds and ease their minds on a number of these issues.

The last point, I guess, I will make is that if you are going to make an argument for contracting out, the print shop might be one area to look at to see whether that is more effectively put out to an outside organization. The only one I know, of course, is Parliament Hill, where everything is done in the basement and you do it on order.

One thing I will make an observation on is that when I read my federal member's handout and it is all in black and white, I understand that they do not want to have partisan colours but I think it detracts a lot; I think ours are better and whoever made that decision, it was an excellent decision to allow the colour scheme, at least, to be there.

Mr Matrundola: I heard some practical comments and I would like to add my own about what Alvin was saying about having the Premier prominently photographed, a portrait of the Premier, the Leader of the opposition, perhaps even the cabinet and so forth, so that when people come in they will know who they are, because a lot of people come in here on their own without going to a guide and they will be able to quickly identify them and know what is happening.

As a matter of fact, in my extensive travels around the world I have been told that people still feel Queen Elizabeth and Prince Philip reign in Canada. I tell them we have our Prime Minister, we have our premiers, we have our Constitution, which has been repatriated, and so forth. We govern on our own. We are independent.

The Chairman: How did we come to discuss the monarchy?

Mr Sterling: We have a loyalist here.

Mr Matrundola: Actually, when people go to any municipal building, any place, even in front of the main door upstairs to the House, there is a photo of the Queen and Prince Philip. That is fine, but I believe we should also have a prominent place for our Premier, for our Prime Minister and so forth.

Interjection: Let's not get carried away.

Mr Matrundola: No, I think that should be quite in order. I agree with that.

In so far as the restoration of this building is concerned, we either get moving and do some restoration or otherwise just turn this place into affordable housing—it will house a lot of people—and we go and build a new state-of-the-art Legislative Building at Yonge Street and Highway 401 because at least it will be convenient for a lot of people.

Interjections.

Mr Matrundola: Maclean Hunter's land there will be an excellent location for it.

Interjections.

Mr Matrundola: I really mean it. We have to do something.

Mr Sterling: We do not own the land.

Mr Matrundola: There is a lot of work to be done around here. If we have to do it, let's do it and let's make it functional because the place is not quite functional. I believe we should do that if we want to do it; otherwise, let's turn this building into some other useful purpose.

I do have one concern. I understand that we are on leased land. I wonder what may happen in the future. Also, we have to look at the amount of money that we spend. I hear some astronomical figures. We may be talking over \$100 million to restore this building properly. I wonder if, with \$100 million, we might not build a state-of-the-art building. Many other legislatures, whether federal or otherwise, have their new places and this place perhaps can never become what we actually need. So we should look into that very seriously.



The Chairman: Just to give you an idea, they built new parliament buildings in Canberra, Australia.

Mr Matrundola: Yes, I know.

The Chairman: That cost just a small \$1.5 billion. It gives you an idea what kind of money we are talking about.

Mr Matrundola: It depends on what they did.

Mr Sterling: It may turn out like the domed stadium.

Mr Matrundola: This is the problem we have here. I have yet to see a proposal, a contract let, a tender—usually they come in low; estimates are low. By the time they are finished they are at least double the amount. Either the drawings, the conditions and the specifications are incomplete or deliberately there is some type of work that takes place in the meantime that perhaps should be looked at.

The Chairman: We are not discussing restoration right now, but let's get back to the administration here. It is the point at hand.

Mr Matrundola: Okay. I just wanted to bring on those comments because I heard other comments. I thank you for letting me give my input.

Mr J. M. Johnson: I would just like to sum up along the lines of Mr Campbell and suggest that we take the advice of our Clerk; in fact, use his expertise and request that he meet with us in a couple of months. In the meantime maybe he can review our committee's mandate in relation to the new standing orders and determine what role we should be playing and how we can best perform that role. Would that be asking too much of you?

Clerk of the House: No problems at all.

Mr J. M. Johnson: Is there any problem with that, Mr Chairman?

The Chairman: I was just doing something else—signing something, Mr Johnson. I am sorry—

Mr J. M. Johnson: I just suggested that we request the Clerk to review our mandate in relation to the new standing orders and determine what role we should be performing and how we can best perform that; asking his input into our ability to serve our—

The Chairman: I am not sure that is his function, to review our mandate.

Mr J. M. Johnson: He agreed that he would consider it.

The Chairman: I think he would have a difficult role in trying to fulfil that, so I think if you want to speak to him afterwards privately that is probably better.

Mr J. M. Johnson: I think one of the reasons we have not been functioning as well as we should have is that until today I do not think many of the members realized the responsibilities they did have and how they could be best performing them. I am simply suggesting that instead of waiting another five years or some period of time, why do we not determine what

changes will be brought about for our committee's function in relation to the new rules? We have a new set of rules and we have to start working with them. How do they affect our committee?

The Chairman: I think what the Clerk is going to be doing is looking at the board, the management committee and so forth and how they function and what they do. After he has looked at that, you may want to kind of fit in your own thing. But to ask him to find out how we function and whether we are playing our necessary role, I think is unfair to impose that on him. If you want to speak to him privately afterwards, or if you want to do something later on, fine, but I think that would be unfair.

Mr McClelland: I do not know whether the agenda was wrapped up, but it did not go unnoticed that Mr DesRosiers had offered his wisdom with respect to security. Inasmuch as we have two people tomorrow, rather than bring Mr DesRosiers back, I wondered if it would be good enough, sir, presuming other agenda items might have been covered, if you could give us a brief synopsis or overview. I would just like to put that on for the future. I do not know where we are in terms of other agenda items.

The Chairman: If I gather you correctly, and I just want to deal with this, you would like his input with regard to security.

Mr McClelland: It seems to me that we have—

The Chairman: We have two people—

Mr McClelland: —the Sergeant at Arms and the Speaker tomorrow, and the Clerk had offered to—

The Chairman: Would you like him to come back tomorrow, or do you just want some promise today?

Mr McClelland: At your pleasure; that is a possibility.

The Chairman: First of all, we have to deal with Mrs Stoner's matter of recycled paper and so forth.

Mr McClelland: Yes, I realize that.

The Chairman: Then we can deal with that, but if we do deal with it we will go in camera and deal with it in camera. I will not deal with security while Hansard is here. It may be just as convenient to have him here today while he is already here; so why do we not deal with Mrs Stoner's matter and any others that you wish that are going to be dealt with by Hansard, and then we will deal with security while the Clerk is here.

Mrs Stoner: I appreciate the Clerk's perspective on who is in charge of what around here. It is a real insight.

Mr Campbell: It is a first.

Mrs Stoner: Yes, it is a first. The reason I asked that this go on the agenda is because I was not quite sure of exactly where the responsibilities for purchasing lie. First of all, I would like to compliment Barbara Speakman in her work with the Speaker's office for the work she has done in ensuring there are reusable cups and saucers as opposed to Styrofoam here for coffee, and Canadian or Ontario produce instead of American or whatever.



The Chairman: By the way, can I just answer that? Just for your information, that is there because we asked for it that way. The other committees are still using Styrofoam, etc. But if you want to make a recommendation after this that all committees have the regular cups and saucers, you can do that.

1540

Mrs Stoner: I would like very much to do that and would be pleased to make that a motion.

I would also like to see, in the instance of all committees and any places where food is served or paper is utilized within this building, that there be a policy of ensuring that those papers, whether they be fine, news or whatever, get recycled, and also the glass and metals, the bottles that are used in this room today, will be thrown in the garbage unless there is an alternative. The facility is there within this building. We do now have a blue box program, but we do not have a mechanism to ensure every place those glasses and cans are used that they get into the recycling stream. There has to be something on that.

I also think it is important that we keep statistics on the volumes we produce in all materials for recycling. It is not that difficult to do. We are paid by weight for the volumes recycled. It would be very interesting to document precisely what we as a Legislature are able to do in that field, particularly as it pertains to other office situations in the private sector. I think it would be very useful.

In the same vein, I would like to see us move to a purchasing policy of recycled, de-inked fibre and paper and wherever possible also to look for reusables and, frankly, methods of reducing waste within this building and maybe an overview of environmentally sound office management, if you will, or administration building management for the whole facility. Somebody has to take an overview and look at what is the right thing to do and how we can implement it. I would like the Clerk's response on what can be done on those issues.

Clerk of the House: On the recycling program, I will definitely pass on to Ms Speakman your comments about the keeping of statistics. I just bent over as you were speaking, and I am surprised that there is not a blue box here. I will pass on that message to her and make sure you get some information on that.

As for the purchasing of recycled paper, first of all purchasing here is done by a branch that is called supply and services, and it falls under the controller. We had been approached by Domtar, which wanted the assembly to participate in an experiment on recycled paper. A decision was taken last Thursday to go ahead with that experiment.

Supply and services will be purchasing recycled paper. It will be made available to you. It is going to cost the assembly slightly more for the purchase of that paper. It comes in only two colours, and the white is not the purest white in the world. This is an experiment we are co-operating with Domtar on.

One of our preoccupations was that this might be some kind of publicity stunt. It is not at this time; on the contrary, Domtar wants to keep it rather quiet because it does not want its competitors to get going on it as well. As



to what they will do with it later on when they hit the public with it, maybe they will say it was used successfully at the Legislative Assembly of Ontario or something; I do not know, but that is for them. What you are interested to hear is that we are purchasing that paper.

Mrs Stoner: Okay. How widely will that paper be disseminated? Are you responsible for printing, and how far will that go? Is it going to be available to members for their letterheads and householders?

Clerk of the House: Yes. Definitely.

Mrs Stoner: What other things?

Clerk of the House: There are two colours; there is white and there is a yellowish colour. Yes, this is a full-fledged experiment and it will be made available to your offices. I do not think members will be forced to use it, but definitely it will be made available.

Mrs Stoner: A lot of us have been wanting the option and the opportunity. How soon?

Clerk of the House: I do not know the details there. The decision was made last Thursday. We had been approached the month before by Domtar, and I think they are ready to roll right away.

Mrs Stoner: Is there a package of information on that program which we could have?

Clerk of the House: I will make sure you get some information through the clerk of your committee. I will make sure that information is given to you.

Mrs Stoner: Terrific..

The Chairman: Mr Cleary?

Mr Cleary: Is that fully or partially recycled?

Clerk of the House: This is fully recycled. It is not clean paper. It is not de-inked. We are all learning in this business. I learned last week that there is a difference between recycled de-inked paper and inked paper. This is the dirty paper that is thrown into a machine and it out comes paper.

Mrs Stoner: Is this de-inked?

Clerk of the House: No. The ink is still in it. In other words, what I am saying is—let's get the right vocabulary out here—it is environmentally safer to use this paper than the completely de-inked paper, because the process to de-ink the paper requires such strong chemicals that it is a pollutant in itself.

Mrs Stoner: I realize that.

Clerk of the House: So the most environmentally safe recycled paper is the paper we are buying; in other words, it is the dirty paper.

Mrs Stoner: It contains the ink within it?

Clerk of the House: Yes.

Mrs Stoner: What I want to make sure is that we are using used paper as opposed to just the scrap paper that is reprocessed and sometimes referred to as recycled.

Clerk of the House: No. This is used paper.

Mrs Stoner: Okay.

The Chairman: Mr Cleary?

Mr Cleary: What plant is that coming from?

Clerk of the House: I have no idea. I can get those details for the committee as well. It is Domtar.

Mr Cleary: I know they have experimented with others, partially new and partially recycled. I know that has been going on, but I did not know they had gone to the totally recycled, almost-grey colour. Is that right?

Clerk of the House: Yes. It is more white than grey, but it is dirtyish—dirtyish white.

Mr Cleary: Yes, pretty dirty.

The Chairman: Any other matters?

Mrs Stoner: Can I comment on the restoration comments that the Clerk made?

The Chairman: What is it you want? Do you want some elaboration on that?

Mrs Stoner: The Clerk referred to the restoration, rehabilitation and ongoing use of this building. I would simply like to comment that it is possible to maintain the architectural integrity of a soon-to-be-historic building, if you will; that doing things right and making the building function in whatever sanctuary you happen to live in is possible and appropriate.

Looking around me, I see a whole lot of mistakes that have been made in this very room that did not need to be made, such as in the lighting and in those doors that tried to complement the original. It is a damned shame it did not get done properly in the first place.

Clerk of the House: I agree.

Mrs Stoner: I would encourage the appropriate maintenance of this facility.

Clerk of the House: Mrs Stoner, the problem was that we just did not have control of this building. We did not.

Mrs Stoner: The Ministry of Government Services came in and put in those doors and lights?

Clerk of the House: Yes, exactly. So, for the first time, the possibility exists to put some common sense into the building and to preserve its integrity at the same time.

Mrs Stoner: I look forward to doing it.

The Chairman: Okay. Is there anything else? If not, we will go in camera to discuss security. The formal part of this meeting is adjourned. Thank you very much.

The committee continued in camera at 1549.





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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY  
ADMINISTRATION OF LEGISLATIVE ASSEMBLY  
TUESDAY 19 SEPTEMBER 1989  
Afternoon Sitting



The only difficulty I have with the board—all parties are represented there, but the board does not have a great interest in what might best be phrased as things that are bothering ordinary members. Any member can write to the board or go to his or her representative who is on the board, but it is a bit of an awkward process.

We have a number of members who have taken the time to write to us about certain things they think are really important. I am not sure that the process we have of tabling a report in the assembly, hoping that some day the assembly will get around to debating and adopting that report and then referring that to the board, serves us well. If that works, it is going to take a long time and I am wondering if we would not be a little better off to spend a little bit of time now sorting which committee does what. I would be interested in what you have to say about that kind of stuff.

The Speaker: I guess having been a member of the former standing committee on procedural affairs—

Mr. Breagh: August procedural affairs.

The Speaker: Yes, the august procedural affairs committee. I am certainly aware to some extent what you are referring to. However, I think we have to realize that the Legislative Assembly Act is really the act that sets out the purpose of the Board of Internal Economy and its responsibilities. I suppose that is the same as the motion that is made in the House that sets up the standing committee on the Legislative Assembly. For instance, it is your duty to review annually the TV system and make decisions.

I am like you, Mr. Breagh, in that sometimes I have a little difficulty with the final decision-making without a little more consultation. I think that has probably shown up in the way I have come back to some members on subcommittees and what not. However, somebody has to accept the final responsibility, and I guess it is eventually going to come down on my shoulders or the shoulders of the Speaker.

Originally I think the Camp commission felt that by having representatives of each party on the Board of Internal Economy that that would be a reasonable way for members and caucuses to present their opinions and make their requests. Maybe it is time for some other recommendations to be made. I am trying to think how you could change the Legislative Assembly Act and how you could change the motion for the Board of Internal Economy.

Mr. Breagh: It might be helpful. Yesterday we had the Clerk in for a while and we went over a number of occasions when the committee has made a recommendation about something. I would say that these are all not large monetary items. They are not matters of great concern to anybody else in the world, but some member has brought something to our attention. The committee has done a little review of it, tabled a report and made a recommendation.

The process from that point on becomes quite difficult to describe. We do know that it takes a long time to get it to the board. We are not told, for example, when that matter might be discussed by the board so we do not go in an active and aggressive way to make the case before the board. What we wind up with is a decision-making process that takes a long time, that does not necessarily air the issue well, and I would even argue is not particularly the kind of matter the Board of Internal Economy ought to spend a lot of time on or ought to be interested in.

Our decision-making process is obviously flawed in some respect. Now, I

do not know whether that requires a change in the Legislative Assembly Act or just a change in our process or procedures here, which might be a little better, or perhaps it would be better to say that in the end the Board of the Internal Economy does the budgeting for the assembly, and once that budget is struck this committee then makes the decisions about what kind of furniture we buy or whether the committee rooms need to have new furniture.

We are running into a number of items where a member has raised a concern in this committee. We have taken it under advisement, argued about it a little bit, reviewed it somewhat and made a recommendation. Then it just disappears for a while and re-emerges at some later date in front of the Board of Internal Economy, which often looks at it from an entirely different perspective.

It just seems that our decision-making process here is somewhat disjointed. There is no continuity to it. It is very easy to lose track of where a matter is in the decision-making process. We went over it with the Clerk yesterday and we all understand that this is a first-time process for many of these things. We have not done these things before in quite this way, so we are learning and developing procedures as we go along. Trying to find some way to make the place work a little more smoothly is my concern.

From members of this committee's point of view, it does get a little frustrating for a while when we think a decision has been made on something, or a recommendation at least has been made, and then it disappears. It is not that anyone said no or anyone said yes. It is just that it seems pretty useless to sit around in here and talk about and look at, for example, proposals for providing a different type of furniture for the committee rooms. Then when we ask, "Whatever happened to that?" no one really knows whatever happened to that.

We would like to see some little clearer relationship between reports that we have tabled and decisions that are made later on. If it means proposals to change the act so that this committee does certain things and the Board of Internal Economy does other things, then maybe that is what we should do.

The Speaker: You have given me one example. I would like some other examples.

Mr Breaugh: Okay. TV monitors. This committee sat around and said that it is not a big deal, but many of us have responsibility for carrying laws in the assembly at the same time as we have responsibilities in committee. It seems to me and to the members of the committee that we could solve our problem by having TV monitors in the back room that would televise the proceedings so when you are in committee doing estimates, carrying a bill or studying a report, you could keep an eye on where things were in the House so that if you had a bill coming up later in the afternoon you knew roughly when it would be called and what proceedings were for the afternoon.

This was not a big financial commitment on anybody's part. As a matter of fact, I would bet that there are probably four or five TV sets somewhere around this building which could be placed in the committee room so that you would not really have to spend any money. But at the most you are talking maybe a couple of thousand dollars.

The board decided that it would not do that. We do not know whether that was a cost-saving item or whether they did not like the idea of having



monitors in the committee room, but we have spent several million dollars to televise the proceedings. Members of the committee were simply saying, "Could we now use all of that technology that we have already spent the money on and put it to use in a way that is practical to ordinary members?"

I admit that people who sit on the board may not spend a lot of time in committees and so they may never have to wander around the building and figure out when their bill is going to be called that afternoon, but for ordinary members that was a practical problem. When the members of the committee reviewed that, we saw that as not being a big deal at all. It was a simple thing. We have already paid all the money to televise the proceedings. It did not seem to us to be a big deal to put a monitor in the back of each committee room so we can keep track of things, and it would be useful to the members. We were not even told when that matter would be discussed by the board. That is the kind of small problem we thought would be resolved by either process or a change in the act.

The Speaker: That suggestion of monitors reminds me that on one occasion I seem to have been at Westminster and I saw monitors throughout the building, but really all they had were just the items and the time they started and that sort of thing. So what you are really asking for is better communication, particularly when the board has made a decision, or to be invited in to participate in the discussion.

Mr Breaugh: Or to put it a little different way: We would like to have some way of identifying other than—for example, on a matter such as that, we can table a report in the assembly. But I do not expect the assembly to set aside all of its other concerns to deal with buying four TV sets. That would seem to me to be pretty arduous. Surely there must be a better way to make a recommendation on a matter such as that from a committee such as this. It is not a big deal.

We do not have to go and hire consultants or anything. We could just talk about it and decide what we are going to do: Make a recommendation directly to the board and the board puts it in the estimates process or says yes or no or invites the chairman of the committee to come and make a presentation. But some small process such as that does not seem to be too arduous. I just think that it is probably because we have never done this kind of stuff before that we are encountering these difficulties.

1420

The Speaker: I will also say that we have in the last year had a little difficulty in getting meetings put together. I am not putting the blame on the other members, but we are looking at a different makeup of the board just to make it a little easier to get together. We found that we often had set times for meetings and then one person or two members could not make it and we would have to set it aside and our agenda would build up tremendously. We are certainly looking at that, and hopefully we can change that process.

As a matter of fact, the next meeting I am trying with the board is similar to what they are doing in Ottawa. They meet two nights a month from six o'clock until eight o'clock. They seem to get all their business done much more readily because they are not called out for votes and they are not called out for other matters. We are going to start that process next month and see if we can get it to run a little more smoothly.

The furniture one is a little bigger item. I would suggest that the

committees—I think probably the restoration and renovation committee will be looking at that one and more or less saying, "We should have so many permanent committee rooms." I think then is the time to decide on what your permanent furniture wants to be.

The Chairman: I think in regard to that furniture what we should maybe look at is furnishing one of the rooms, in this case the Amethyst Room probably, and getting a feeling for the kind of furniture we want rather than trying to furnish them all at the same time and finding out we do not like the kind we put in there. We should maybe look at furnishing one of them initially and then furnishing some others.

The Speaker: It seems to me that somebody has recommended that you try a different model or mode in there because of the television system we have. Of course, I have to say, as I said to other people previously, I was a little surprised that that was not done when they put the TV equipment in.

Mr Breaugh: That is a good example of something where it seemed to us to be not a minor item, but it is not a big deal either. We had looked at several designs for furniture for committee rooms and we had chosen one that offered some flexibility in how you would set up the room. So it seemed to most of the members of this committee that here was a good way to try it on for size to see whether it would be suitable. It was not going to be a major cost thing and it was not really that anybody said yes or no; it is just that somehow the process of making the decision disappeared on us. That is a little disconcerting.

The Speaker: I am just trying to recall. Maybe you will correct me, but it seems to me that I received some prices from the Sergeant at Arms not too long ago on some of those things. I will have to check that out.

The Chairman: We looked at some tables that came here about six months or a year ago. From our standpoint they were nice but—

The Speaker: Did one not fall apart just sitting there or something?

The Chairman: One fell apart. They were for some other purpose or whatever, but they certainly did not suit the real purpose here. You had to rebuild the whole table. If you are going to do that, you may as well start from scratch.

The other thing members might do is take a look at some other legislatures to see what kinds of tables they have there, because the needs in other legislatures are not too different from what we need here.

Mr Campbell: I appreciate that I have only sat on this committee for a year, and it has probably taken me that long to figure out what is really going on around here in this august chamber. I think this committee perhaps has a sense that it is out of touch with what is going on and what our job is supposed to be. I guess that is as fairly as I can present it. We seem to make some recommendations and we get back through the process, "The answer is no," or, "We are not going to deal with it." We are saying: "Wait a minute. Let's have our day in court here." If it is with the board of infernal—sorry, the Board of Internal Economy—

The Chairman: Strike that from the record.



Mr Campbell: When you learn nicknames you have to be careful because they get into Hansard, but in any event one of my predecessors down the road used to say that so I guess I am on fairly good ground.

I have had experience in other, municipal scenes where you have had the sense of control over your agenda. If you were sitting on a committee and it was the waste management committee, you knew exactly that at least you would have some input into whatever decision processes were being made. I have a real sense that our voice, for whatever reason I do not clearly understand, is not heard by that board.

I am almost at the point of saying that if you want the board to run the thing, fine, because it has all-party representation and all of that, but then disband this committee because it seems we are working at cross-purposes when we really do not need to. After a year on this committee, without some sort of representation at a meeting saying, "Okay, this is why we think we should be doing this"—then I think perhaps the Board of Internal Economy would have an idea why we made the decision and the recommendation we did.

We are trying not to do it in isolation because I think all of us, certainly in my case and I know my colleagues on the other two caucuses, consult fairly widely in our caucuses when we are about to make decisions, because after all it is those members we are serving, more directly perhaps than any other committee, given the working conditions and kinds of things we have to deal with in this House.

I think our deliberations are taken with a great deal of thought and to have them kind of dismissed out of hand without really having an idea of what the board is thinking about and why it came to the conclusion is disconcerting. I feel a little uneasy about the process. I think we can be allies in trying to make everybody's job here easier. I am not saying to run out and spend billions and billions of dollars. I am sure that because of the word "economy," they are trying to look at these things and I am sure there is a balance of the budget, the estimates process and everything else that goes into that. But when you do not have the kind of input into that decision-making process—we have a day like tomorrow, for example, members' services all day. More and more members when they are—you know how it is, you get closer to the deadline and all of a sudden they are talking about this.

I am getting more and more requests to appear before this committee. I think it is something we have never addressed with the board, to explain why we feel the way we do. I know that the members who are coming before this committee would expect action as they would with any other request they made; at least a reason why you are not considering it or why you could consider a modification, bringing it back here and we could discuss a modification and maybe go back and try to work out a deal. I see these two ends in isolation and I am very uncomfortable with that, quite frankly. I know that those members who will be appearing tomorrow and others will be as well.

I just pass those comments on because I really believe in being constructive, working together to try to resolve problems, and I do not believe in just going off. I think every member of this committee sincerely believes in what he is saying and why, and has made very logical arguments for the reasons. I can take a loss if I know what the thought of the other side is and that sort of thing. Maybe we can compromise on something, but I sense working in isolation is very difficult. I guess that is the whole process we



have to work on. I guess maybe we can use this as a starting point to try to resolve some of these things.

The Speaker: I was just wondering from what you said, for instance, with this group of members that is coming with their requests, complaints or beefs or whatever you want to call it, what steps do you take from there, just to make it a little clearer for me? Do you discuss them and decide whether you agree or disagree with them. Is that what you might do?

1430

Mr Campbell: I would think the process would be that we would undertake to deal with those concerns, make a decision as a committee to recommend to the appropriate people—in this case I expect it is the Board of Internal Economy—and say: "I think these are legitimate. Maybe this one can be handled this way," that kind of thing, and suggest ways for the members to be a little more at ease with the process and then go before the Board of Internal Economy with the chairman, a delegation, a steering committee or whatever we want to do, go over these items and then work with the board on the reasons we have come to the conclusions we have. I think that process is much more comfortable than what is currently happening, which is sort of working in isolation.

I am not saying we are all right. We are most of the time, probably 95 per cent of the time, but there may be very legitimate reasons that the board, in its wisdom, does not want to deal with the items or suggest why it does not want to deal with the items. I think we would have an opportunity to try to debate those issues and try to come to some conclusion.

That is the process I would suggest in that case. There are other cases members have presented, such as the television monitors, on which I think we have spent an inordinate amount of time trying to come to grips, but all of a sudden it is no; no reasoning, no answer, just no. I think really that that is what we get. From all of the other people who are around, we at least get a reason, I think, of what the reasoning is behind it and so on. We are reasonable people. I think we can accept that and report back to the members we represent.

I would suggest that process. If this is a way of opening that process up, then I would suggest we try it this time with the concurrence, of course, of the committee and the chairman.

Mr J. M. Johnson: I sat on the board for five or six years and I feel that the board would appreciate having input from this committee, especially pertaining to members' services. Many of the members would come to the board and tell us about their concerns. I think a lot of members have no idea who is on the Board of Internal Economy and maybe they are not sure how to have input into it.

Would it make any sense if periodically the chairman or vice-chairman of this committee were invited to attend? Or we could request that he present three, four or five items that we have for the consideration of the board. We could make a presentation, as Mr Breaugh has suggested, regarding a couple of TV monitors, for example. I think if they heard a pitch coming from the committee, they would be more inclined to be supportive than if they just saw something in isolation, wondering why it is needed and dismissing it, and that is because the agenda is too full.

The Speaker: Yes. I think you sort of put the hammer to the nail when you referred to that last point.

Mr J. M. Johnson: When there are so many items, the tendency is that if they can whip through one and say, "Well, let's set it aside for the next meeting," it is set aside.

The Speaker: I do not see anything wrong with the committee making decisions here and then putting it in a point-form submission to any member of the board or to the chairman. It can be put on the agenda at any time. You talked about the many, many people coming with requests. I do not know what the requests will be or whether most of the requests are, "We need to increase the funding now for a certain item," or, "We need better quality in the print shop." Of course, the print shop is the caucus thing, as long as you keep those things straightened out.

I guess one of the problems is that in the last part of the last fiscal year, I was trying to train a lot of people to remember that we are the same as any other government department. We have a budget and we try to keep to the budget. We just cannot keep making motions every time we meet and make ad hoc decisions. We really have to get down to a little more serious business than that. I must say that I did try to cut some of that down.

Mr J. M. Johnson: The suggestion that Mr Campbell and Mr Breaugh have made is that there is lack of communication, for one thing. But I wonder too if there is not a lack of information to the members. I remember that years ago we used to deal with individual concerns of members. Would it, at some point in time, be of some benefit to clarify the role that the standing committee on the Legislative Assembly has versus the Board of Internal Economy?

Maybe we could clarify it so that if a member did have a problem, he would know that he should go either to the board or to this committee. Then we would be in a better position. If, for example, it was agreed that this committee should handle those complaints, then we could address them, try to lump them together and bring it to the board once every three months or something of that nature, rather than have the board have to fill its agenda with a lot of individual members who quite often take up a lot of the time. Could we be of service to the board?

The Speaker: There are so many little wee things that come up. You just would not believe all the little things that have to be addressed. Of course, every member's case, no matter how small or how large, is the most important thing before us and he wants an answer immediately.

Mr Breaugh: That is probably the kind of thing this committee would be good for, to hear all of the small complaints and suggestions from individual members, to see where we can find a consensus, where it would be useful to do something and to forward that information to the board.

I think part of my frustration is simply that I have never been involved in any organization anywhere where I was asked to go and serve on a committee to make some recommendations, and after we had done our work and turned over our report, some other committee, in total isolation, then said yes or no without inviting you.

If you did this at a municipal council, if you said, "The public works committee is charged with doing all of the public hearings on building the new arena," and it went out and did that and took all of that abuse and forwarded



its committee to the council and you said: "But the public works committee will never get a chance to present its case to the council, won't be part of the decision-making process. The executive committee of council will, in isolation, make the decision on its own," they would crucify you.

From my experience, it is totally unacceptable to expect a committee of the Legislature to prepare this kind of information, do those reports and then say: "Goodbye. Somebody else will make the decision." In the instances we have quoted here, for example—I do not think there was an intention to be rude or anything—we did not even get, as a committee, the courtesy of a reply from the board. I think it is just that we have not turned our minds to this stuff before.

I agree with the other members here. I do not think it is reasonable. For example, the members now know that tomorrow afternoon we are going to hear presentations on a variety of things that individual members think are important. We are happy to do that and we will write yet another report about whether we should have more Canadian content in the dining room or whatever.

We have done that once or twice before and I do not think it is going to be reasonable to expect us to continue to do this unless we can say to the members, "After we've dealt with it, if we find a consensus in this committee on what should be done, we'll make a recommendation and here's where it will go and here's when you can expect a final decision on that or how the decision will be made." I think we all have to do a little thinking about the decision-making process here.

Mr Campbell: I do not want the Speaker to feel that I am being critical of his office, because I am not. I think I am more critical about a process that I do not know has been reviewed, that I think can be helpful in your operation, and that perhaps, with a lack of clear understanding of how the board works, could be mutually beneficial to try and make the case for a lot of different things around here.

We have a lot of not only tiny issues or insignificant in the whole general scheme of things issues—monetary, I agree—but we have things like security and we have other things in this building, such as restoration; big-ticket items, I think, in the whole overall scheme of things. We are wrestling with these decisions and then coming back to you with recommendations.

I think you said earlier that you were looking at a restructuring or a reorganization of the board. I think it would be very helpful if perhaps one or more members of this committee could be considered as candidates for that. I think that would mesh the two together and help to make those decisions work a little easier, or perhaps not. You may have reasons for not considering that, but I do not want you to feel that the decisions we are making are in isolation or have not been thought out because, believe me, we have heard the members on a number of different occasions. I am a little concerned when I hear of members going directly to the board now, or who have done in the past, because that duplicates the efforts that they are trying to make. I am not sure that is helpful.

1440

I think the role of this committee really is to try and suggest ways of dealing with these things so that we can go on with the big stuff that we have to do and not be constantly in the background. We have to deal with television



monitors or mileage or tickets in Metro or you know, whatever those things are that I think could be solved fairly quickly if we put our minds to them and say, "Yes, this is going to be the policy." It might cost us \$3,000, but in the scheme of things and the time we are taking to deal with them, we have already spent that money five times over.

I guess that is my sense of it, but I do not ever want you to think that I am being critical of your office. I respect too much the role that you play and the work that you do and your office. At the same time, I think it would not be responsible of the members of the committee to voice those concerns that we have.

The Chairman: Two things, Mr Speaker: One, it might be helpful if the board were to incorporate in its regular agenda the appearance of this committee before the board at least two times every year, and more times if necessary. Two, we are meeting on members' services tomorrow and we will be coming up with some suggestions. One way to show good faith on everybody's part would be to give this committee an opportunity to come before the board some time after tomorrow to present some thoughts on members' services. It would be a good opportunity to implement something along that nature if you are interested.

The Speaker: As I said earlier, I would entertain any visit any time. As any committee can come with its budget, I guess you can come with your suggestions.

The Chairman: I do not think it is clear to all members, but it has been there for I am not sure how long, the fact that members can drop in at the board at any time and be there, appear at the board, even if they are not there as a delegation. They can sit in on all the meetings and all the decisions. That decision was made some time ago, was it not?

The Speaker: Actually, no, I cannot recall that exact decision.

The Chairman: I understood that to be the case.

Mr Breaugh: The practical problem, since you do not get the agenda of the Board of Internal Economy, is how you would know when you want to observe. That would be rather difficult. The second major problem would be to try to find a seat in the room. The third major problem would be to try to get in the door. You may have a right to attend the meeting but you may also find a little difficulty utilizing that right. I am being a little facetious here, but not much.

The Speaker: You made some very good points. There is very little room. The caucus members are allowed and have requested and have a representative from their caucus there so that the information can go back to their caucuses.

The Chairman: I may be wrong, but I understood, about a year or so ago, that it is open to members; not to the public, but to members.

The Speaker: I think you will find that actually that decision was made regarding the management advisory committee. That is where the decision was made.

The Chairman: I heard this before the management advisory committee, although I would have to go back.

The Speaker: Members can come at any time they want to make their request to the board. It is open.

Mr Breaugh: They never say where it is.

The Chairman: They move around from room to room. It is one of the best-kept secrets there is.

Mr J. M. Johnson: I would like to ask the chairman of the Board of Internal Economy a question.

The Speaker: Yes.

Mr J. M. Johnson: The Legislative Assembly committee is charged with the responsibility of doing something for members through the members' services committee. I am not sure what, but I think that is the mandate, is it not?

The Speaker: I think the mandate—where do we find it in here? "Standing committee on the Legislative Assembly which is empowered to review on its own initiative or at the request of the Speaker or the direction of the House and to report to the House its observations, opinions and recommendations on the standing orders of the House and the procedures in the House and its committees; to advise the Speaker and the Board of Internal Economy, and to report to the House its observations, opinions and recommendations on the administration of the House and the provision of services and facilities to members...." So there it is.

Mr J. M. Johnson: If a member has a complaint, he or she can quite logically come to this committee and expect us to present his or her case to your board.

The Speaker: I understand that is what they are doing, yes.

Mr J. M. Johnson: Then I think what we need is a procedure to make sure, if there is a follow-up, that we do have the opportunity to present the case and to have some input into making sure that the board understands what the members are trying to get across.

The Speaker: I understood, just from what Mr Campbell had said, that this is what will be taking place—is it tomorrow?

The Chairman: Yes, tomorrow.

Mr J. M. Johnson: We certainly will hear from the members, but then from that point on, things seem to get lost. So the concerns that we will have expressed to us tomorrow we can agree with the members about and come out with some suggestions or something of a positive nature that we can pass on to the board, if we could be assured that the board would give it its full attention.

The Speaker: I am quite sure that there will be no question about it, that the board will give it careful consideration.

Mr J. M. Johnson: Then we can have a response back to this committee that we can so advise the member or members.

The Speaker: Sure. I mean I do not have any problem with that. Sometimes it takes awhile to get a decision, but once a decision is made, you will certainly be notified. Sure. No problem.

Mr J. M. Johnson: Okay.

The Chairman: Who said Mackenzie King was dead? Any other items?

Mr Curling: Mr Speaker, you are responsible for the restoration of the place, I presume, the restoration that is taking place now?

The Speaker: The House passed a motion making your chairman and myself co-chairmen, along with a representative from each party.

Mr Curling: I raise a concern, an observation I have. I do not know at what time in history they had stopped making this place kind of relevant. The fact is, as someone put it, "Yes, it is all like a museum." If people walk into this Parliament building, they do not get the impression that there is a Premier and what he looks like, that there is a cabinet and what its members look like, or who the opposition leaders are here.

I am just wondering if there is any sort of concern or interest being put into the features of this place. If I can be more specific, as I said, I have been to other houses of Parliament and found—in other words, I think the Lieutenant Governor's picture should be around, to know who the Lieutenant Governor is here. There is no sort of presence here. I know there are a lot of efforts being put in to preserve the place for its historic value, but the presence is just not here at all.

I think it lends itself to assisting in promoting Ontario. Thousands and thousands of tourists pass through this place. You can see by the buses themselves. Yet, if we just go south of here, no one really knows where Ontario is and who the Premier is. There is no selling job.

I think a live example of what could happen—and I think we are losing that, because we do not get that feeling when we come here. There is no tour guide to tell us. We have lost all of that. Is anything being done about that? I know there are some paintings on some walls that show Frank Miller and what have you, but is anything being done for the present?

Mr Breaugh: I did hear a suggestion to cast the Premier (Mr Peterson) in concrete and put him on the front steps, but I do not know whether that is being pursued.

Mr Curling: That is even more visible than the Leader of the Opposition (Mr B. Rae) being in prison up north or something like that.

The Speaker: It does present a problem, Mr Curling, because the policy around this place has been, for years and years and years, that portraits be painted of lieutenant governors, Speakers and premiers, but they are never unveiled until after they have left office.

The Chairman: I heard "unveiled" rather than "hung."

Mr Curling: But that is the point I am making. What about the current situation? It is nice to have a museum, of course, but what is happening now? Have we ever considered what is going on in the present?

The Speaker: Actually the committee of which your chairman is co-chairman is actively engaged in trying to come to some conclusions or recommendations for the House. What is the exact use of this building and what will it be over the next 100 years and how will it be treated? We feel as a



committee that we want it restored, but we do not want it to be 100 per cent museum. We want it brought up to date. Maybe the suggestion you made would in some way help to bring it up to date.

Mr Curling: That is the point I am making. We spend 100 per cent of our time trying to preserve the past but do nothing about the present. People do not have a feeling of the present, of what is happening, but of the past that happened. It is like we are living behind and not living currently, which is extremely important because history really is what we do today. We are busy trying to relive yesterday, and I think the young people coming in here or older people coming in here and visitors coming in here should get a feeling of the present, while we spend so many hours and days preserving the past.

The Speaker: Of course, basically they have an opportunity, even much better than just looking at pictures. I mean they have the opportunity of seeing those people in living colour in the chamber in operation.

Mr Curling: But they look rather confused.

The Speaker: I will have to say to your chairman that we will certainly take that consideration under advisement. I know that some changes are going to have to be made in the main hallways and we can certainly take that under advisement.

The Chairman: If there are no further items, I think what we will do is go in camera and deal with another matter and then we will adjourn for the day. This formal part of the meeting is adjourned.

The committee continued in camera at 1453.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

MEMBERS' SERVICES

WEDNESDAY 20 SEPTEMBER 1989





STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)

Breaugh, Michael J. (Oshawa NDP)

Farnan, Michael (Cambridge NDP)

Johnson, Jack (Wellington PC)

Matrundola, Gino (Wille<sup>4</sup>dale L)

McClelland, Carman (Brampton North L)

Morin, Gilles E. (Carleton East L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Substitutions:

Adams, Peter (Peterborough L) for Mrs Sullivan

Curling, Alvin (Scarborough North L) for Mr Morin

Also taking part:

Dietsch, Michael M. (St. Catharines-Brock L)

Fleet, David (High Park-Swansea L)

Polsinelli, Claudio (Yorkview L)

Callahan, Robert V. (Brampton South L)

Clerk: Deller, Deborah

Witnesses:

From the Office of the Assembly:

Speakman, Barbara, Executive Director, Assembly Services

Deshmukh, Ajit, Director of Finance, Finance Branch

Biggley, Beverley, Co-ordinator, Members' Expenses, Finance Branch

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday 20 September 1989

.The committee met at 1011 in room 228.

MEMBERS' SERVICES

The Chairman: I call this meeting of the standing committee on the Legislative Assembly to order. I see a quorum. We welcome any people who have come here to view our proceedings.

First on the agenda regarding members' services is Michael Dietsch, the member for St. Catharines--Brock. He wants to speak about Ontario food products. Is there anything else before we hear Mr Dietsch?

Mr J. M. Johnson: I want to add mileage.

The Chairman: Okay. We will be discussing a number of these things after we hear the various delegations. I have allowed about 15 minutes for each, but if you want to shorten them up, that would be more than welcome.

Mr Dietsch: I certainly appreciate the opportunity to come before the committee to talk about a couple of things this morning. It is approximately a year ago that I had an opportunity to appear before this very committee about dealing with an increase in marketing for Ontario products. At that time, I outlined to the committee my views with respect to Ontario and its capital being here in Toronto and the necessity for an increase in marketing of Ontario products and an enhancement in the use of Ontario products in this particular building.

I want to say that I am most pleased to see some improvements in the legislative dining room in its increase in selection of Ontario wines. I think it shows that it does make some sense and some progress for individuals to take the time to appear before your committee. I would like to thank this committee for the part it has played in that endeavour.

That being said, I still feel there is improvement we can develop even further. It is my belief that Ontario has a number of very excellent products, not only Ontario wines but also many of its food and fruit products, which I think should be marketed with more emphasis and much more energy than is being done at the present time. Many of you will recall the allocation of funds in the grape adjustment program, of spending money for an increase in marketing, and I think rightfully so. A good place to start would be right here in this building.

I spoke at some length last time and I want to just recap some of the points, because there are a few points that have not been picked up and I feel very strongly should be; for example, the training of waiters and waitresses in the legislative dining room in the proper presentation and allocations of Ontario wines in the dining room. Much could be done in that regard.

I have offered to talk to some of the wineries in my municipality who have people on staff who could train members of this dining room staff free of charge—in fact, they go into a number of hotels to do this sort of thing—so

members will have the opportunity to see how wines are presented in a proper, professional manner. They will have an opportunity to use that expertise for the selection of wines they might want to use as a meal accompaniment, and to increase their knowledge on the kinds of Ontario wines available.

I believe it is the case that much could be done in that regard free of charge and it only needs to be picked up on. It is my opinion that we should be doing that; we should be taking advantage of that. I have offered that for some time now. I have not been taken up on my offer and I feel somewhat disappointed that that has not been done. I am hoping this committee will ensure that something like that is done.

I spoke with respect to perhaps the rotation of award-winning wines. Ontario wineries today are winning extensive awards both here in Canada and abroad in the international market. I think members of this Legislature and their guests should be availed of an opportunity to experience those award-winning wines we have here in Ontario.

The other thing I feel quite strongly about is the display area in the dining room. We have not picked up on the initiative that was put forward in terms of the marketing aspect of many of the posters, if you will, or just to present in an innovative way the decor of the dining room so that we take advantage of a lot of expertise that is out there. I feel this type of thing should be done and there are people out there who are quite willing to help, such as the Pork Producers' Marketing Board and the Milk Marketing Board. Those kinds of agencies are there to provide assistance. They go across Ontario and present themselves in fairs all across Ontario. Certainly we have the expertise out there, and I believe we should be taking advantage of that.

I am really alluding to the fact that I feel this Legislative Building should be the hallmark for Ontario products. We are the capital, we are the image of the province, and I feel we have to take a much stronger role in that area.

I mentioned last time the possibility of making specialty days. For example, when strawberries are on, the menu can be displayed in that particular area. Cheeses in Ontario: there are areas where cheeses are made across this province, yet we do not seem to have those kinds of days and that kind of innovative marketing.

Another area I feel quite strongly about on this question is the fact that the food services contracts are not, in my opinion, promoting Ontario products as much as they should be. For example, I compliment the individuals who set up this morning's meeting, because it seems that when I appear before this committee, we have Ontario juices, but when I sit on other committees, it appears we have other products.

I want to bring to the attention of this committee that there are two aspects to this. If you look at what is over there this morning, you will find glass bottles of Ontario juice, which is great. If you come to another committee meeting, you will find plastic containers of orange juice and grape juice. If we are really and truly going to be as environmentally sensitive as we would all like to be, perhaps this is the first place we can start. Those bottles are recyclable. Those plastic containers are not recyclable.

The Chairman: That goes to show you how sensitive we are to your comments.



Mr Dietsch: I appreciate that, and I am wondering how you can go about spreading this goodwill throughout many of the other committees. I feel we do not take full advantage of the Ontario Food Terminal that we should. There is fresh produce across this province that comes to the central focus point in Toronto from everywhere, and we should be taking advantage so that this building displays those particular areas.

In short, with those few brief remarks, I feel very strongly that we need to build a greater emphasis. I look forward to not just coming before this committee and expressing my pleasure on our accomplishments and my displeasure on our nonaccomplishments but to offer my assistance on ways in which we can go forward to make sure these things happen in the future.

1020

I am not sure if you want me to go into the telephone area or whether you want me to stop now and allow questions from the committee. I am at your pleasure.

The Chairman: I think what we should do, Mr Dietsch, is divide this into two parts. We have the benefit of the executive director, assembly services here this morning, Barbara Speakman, and she has heard your comments. We have questions, Mr Johnson and Mr Breough.

Mr J. M. Johnson: I would like to compliment Mr Dietsch on his persistent push towards obtaining more markets for Ontario food, especially in our dining room.

I think the committee will likely be very supportive of his initiatives. If that is the case, then why do we not follow up with his offer to help to promote it in a more meaningful way by instructing that the committee show its support for Mr Dietsch and request the Minister of Agriculture and Food to work with him and the people in our legislative dining room to see if we cannot promote Ontario food and display it some more and do the other things you have suggested in advancing the cause of Ontario produce?

I think the minister, when he was here the last time, indicated his support for that initiative. Perhaps the new minister will follow through that commitment. I think if we empower Mr Dietsch to act on behalf of this committee to at least explore its feasibility, maybe we can move in the right direction.

Mr Breough: I do not want to get caught too much on side with Mr Dietsch, but unfortunately I still agree with him from last year.

The Chairman: You are in trouble.

Mr Breough: I am not in trouble; Dietsch is the one who is in trouble.

I would like to go a little further. I wonder if you would consider taking it upon yourself to—I do not think you would have any difficulty with the Ministry of Agriculture and Food. But I think one of the difficulties we are having here is that that is what we would like to do, but we seem to be struggling a little with precisely how we go about this and to what extent.

I wonder if you would take it to seek the assistance of the ministry and prepare a report for the committee on how we might carry this out? I tend to

think that it is not by design that one committee features Ontario juices and another one does not. I think it is by accident. The reason this committee has Ontario juices in recyclable containers is that the former clerk used to like that kind of juice and the members of the committee thought it was not bad either. That is why we got it.

But it would be nice to think that if we want to promote Ontario products, we take time to sit down and think about how we might do that in this building with our own food services, who might in a very comprehensive way provide us with some assistance; put that together in a report, and bring it back to the committee. Without seeing it, I guess most of the members of this committee feel the way I do, that we ought to be promoting our own products in as many ways as we can and we ought to stop and think about how we go about that.

I am just basically wondering if you would be prepared to take that kind of initiative and do that kind of groundwork for us? I suspect a lot of it is already done and it would not be a matter of writing a whole new report, but rather gathering up reports that have already been done in the ministry, in the food services branch here, and that in a short period of time we could put that together and have a little plan of action, which says not only do we support Ontario food products, but this is how we are going to show that support in the Legislative Building. Would you be prepared to assist us in doing that?

Mr Dietsch: Yes, I would. I offered my services previously in accessing individuals from the wine industry, for example, to put on training seminars. I have not been taken up on that to this point. I have to be honest: I am somewhat disappointed about that. I think it makes a big difference in whether those selections are made when you are dining, to understand some of the meal accompaniments, those kinds of things, whether you like white, dry or sweet or whatever your preferences are. I would be very much willing to put together for the committee's deliberations some points that I think could be followed up on in a very constructive manner and I thank you for your interest.

Mr Breaugh: With the concurrence of the committee, I would like to ask Mr Dietsch to do just that. Mrs Speakman is here this morning and I know she would be happy to assist you. I am sure the people in the Ministry of Agriculture and Food and the marketing boards would be prepared to do that. Perhaps you could take some time and put together that report? I think the committee would like to consider that and see that we proceed from here in a somewhat more organized way, perhaps, than what we have done in the past.

Is there general agreement in the committee to try to do something like that?

The Chairman: Sure, I think<sup>3</sup> so.

Mr J. M. Johnson: Mr Chairman, on that point, rather than simply saying that, would it not be better if a letter from this committee went to the various people, the Minister of Agriculture and Food, saying that this is the intent of the committee, so that everybody involved will know that Mr Dietsch has this—

The Chairman: Sure. We could get the clerk to prepare a letter for Mr Dietsch, so he can introduce him, and saying that we support—rather than send it out, just give it to him and then when he decides to contact somebody, he would have that letter saying we have asked him to bring a report on behalf of the committee and to prepare it.

Mr Campbell: I am pleased that Mr Dietsch gives a whole new meaning to the word "winer." In any event, I do not want to necessarily--

Mr Adams: That is sour grapes.

The Chairman: The puns are flying.

Mr Campbell: In a positive sense, though, I know Mike and I have known him for quite some time. He has a sincere interest in pushing the cause of Ontario products. He has even talked about nickel on a couple of occasions and I am pleased about that.

I think he has a very legitimate point to make. If we cannot deal with the stuff here, how are we going to get the rest of the world to be on side and promote Ontario products? So I would support wholeheartedly Mr Breaugh's plan with Mr Dietsch and I think it is something worth supporting, that we can go along with this whole aspect of trying to promote and get more positive stuff in our minds, in some cases, the good quality, excellent quality of agriculture and other products, in these precincts. I think this is the committee to do it. So with those comments, thank you, Mr Dietsch.

Mr Adams: As a newcomer to the committee, I sense that I have arrived in the middle of an ongoing discussion. I would simply like to say that I agree with Mr Dietsch, that in many respects this place is and should be a display case for the province in all sorts of ways. He has been addressing a particular aspect of that. He has talked to me on numerous occasions, as I am sure he has talked to other members of this committee, and I strongly endorse what he is trying to do. I see this place as an important showplace for the province.

Mr Matrundola: Very briefly, Mr Chairman, I would like to congratulate Mr Dietsch for bringing forward the concerns of the food and beverage industries of Ontario. I believe he is to be commended. I hope he will keep doing what he is doing and hopefully we will have more use of Ontario produce here in the Legislature and people in Ontario will use more Ontario produce, and food, wine and beverages, as well.

Mr Sterling: I want to say that after meeting Mr Matrundola's friends I kind of like Italian wine, too. I did not realize that Gino was so in favour of Ontario wine.

1030

Mr Breaugh: I do not know why he is against Italian products. It does not seem fair to me.

Mr J. M. Johnson: I wonder if we could follow up with another positive thought. Proposals have been made that some committees do not have the same fruit juice that we do, and I know in many committees they have plastic glasses instead of china cups. Why do we not as a committee in support of members' services send a letter to the chairmen of the other committees as well as to the Speaker suggesting the very points that have been raised: that we should be using china cups and we should be using Ontario juice in glass bottles, not imported juice in plastic bottles. These are points that were raised that we are all aware of and yet they seem to slip by. Why not a letter to each of the committees and to the Speaker?

Mrs Stoner: I have just one further point. When we discussed that



the other day, we also noted that there was not a blue box or any requirement for the recycling of the lids and the bottles from the juice containers and that we should encourage that one way or another.

The Chairman: Okay. We have Mrs Speakman with us. If you would like to take a chair up there, maybe you would like to respond to some of this. Welcome to the committee, Mrs Speakman. You have heard the comments of the honourable members. Do you have any particular thoughts on this?

Mrs Speakman: First, I could not agree more with the position of this committee and Mr Dietsch on the promotion of Ontario products in the dining room. I became aware of it when I first joined the Legislative Assembly last year when we had, as you know, a very significant operational review report which came down just around that time.

What I have done is I have divided the work that had to be done in the food services area into three parts. One was the immediate response to that report from a business point of view, and you have a copy of our response and the things that we are implementing there on almost the hidden side, on the business side.

The second area was the staffing situation. There were a number of what I would like to call inequities in the status of the staff in the dining room, cafeteria and the catering area. I felt that was the number one equal thing that we should address.

The third thing was to address all of the kinds of recommendations that have come through from this committee over a period of time, one of which is the promotion of Ontario products.

In terms of training the staff, one of the things that you mentioned in Ontario wine presentation and so on, we have developed a training program for the staff which covers a wide range of things. It involves using the Ontario Restaurant Association services, videotapes and training programs. Then once we have done the initial basic training core seminars and training programs, we will add in those other things such as wine presentation.

Just a note on how much wine we do sell: It is very, very little. We sell \$3,000 a year in wine at lunchtime in the dining room and we sell \$12,000 a year in catering, and they are all Ontario wines except for one imported house wine. So it is a very, very limited thing, but I agree that it should be promoted from a publicity point of view as opposed to necessarily a consumption point of view.

In terms of other products, the juices and so on, there are certain things we just do not grow in Ontario, as you know, and there are certain times of year when things are not available in Ontario. Where they are available, we use them.

On the question of glass versus plastic, we are working towards totally using glass. Our main problem has been storage. It takes up far more room because you cannot stack those bottles in the same way that you can stack plastic containers. We are working on getting some more refrigerated space to store those so that we will gradually change over completely.

As you know, we have eliminated foam. We are getting into recycling a little bit. We are working on the china situation, but again we have a budget which would increase by \$30,000 a year were we to change completely to china

in all committee rooms, all catering and so on, due to the equipment needs, dishwashing and the fact that you can throw a paper cup away and there is no cleanup but you have to restack and replace the cups, take them away, wash them, store them and so on and buy extra china. We would need at least two to three more sets of china for the building if we were to do that.

We are getting into recycling, but it all ties together in the program that I am trying to develop to get to the same end result that everyone is asking for here.

In regard to Ontario products and the promotions, I will be taking you up on those offers of having those people in from the wineries and other places, the Ministry of Agriculture and Food, the Ontario Milk Marketing Board and so on. You were mentioning this committee's developing a plan. That would be very helpful. The other side of it is, we are developing one anyway and we could pass that before this committee and let you have your input into that, which might save you some time.

Those are the general philosophies we are pursuing. We have had to do it on a piecemeal basis, unfortunately, mainly due to space and budgetary constraints, but we are getting there.

The Chairman: I think everybody should be aware of the tremendous need for space down there. They are very overcrowded, and that is a real need down there.

Mrs Stoner: Just as a clarification on the china situation, is it your goal ultimately to have the ability to have nondisposable—

Mrs Speakman: I would like to do that. Again, there is the budget situation. I will put in my estimates for next year and hopefully get board approval for the increased costs. I have to go that route. I do not have the money at this point to do that. As you know, we are already heavily subsidized. The question is, how much more do you want to go while at the same time I am trying to reduce that deficit through other better business practices? What we may end up with is coming back to the same point, but hopefully with a vastly improved service.

Mrs Stoner: I think it is important for us to set an example.

Mrs Speakman: I do too.

Mrs Stoner: Just as it is in our produce and what we have available, also how we manage our resources, financial and physical.

Mrs Speakman: Right.

Mr Matrondola: In addition to the comments I made earlier complimenting Mr Dietsch, now that we are also talking about the dining room, while I do greatly support that we are a large user of Ontario produce and products, food, wine and all kinds of beverages, I believe that in the dining room we should have available, in addition to Ontario wine, at least a short selection of imported wines.

I have frequently found when I have guests here they do ask for other types of wine. I say, "We promote Ontario wines," and they say, "We have that all the time at home, so forget it." That is probably the reason why there is a low consumption of wine. We should have available also a few other kinds of wine.

In addition to that, the menu of the dining room is very limited. I believe there should be one or two more items added. Even if they are more costly, it does not matter. The menu is a little bit too skimpy, and I believe we should have, upon request, some other items, à la carte or whatever. If they cost a little bit more money, it does not matter, but they should be available there, I feel.

Mrs Speakman: The new menus will be coming out when the House opens. There are some higher-cost items that we have included. We have still tried to maintain the same type of menu, where you have each period, a different menu each week, different daily specials depending on the food that is available, and also an increase in the range of pricing and quality of some of the products.

We have tried to do that, but again we are talking of a lunchtime facility. We are not talking of a restaurant like Quebec has, for example, where they serve breakfast, lunch and dinner and have the facilities for storage and preparation which are triple the size of ours just for their dining room alone.

1040

I think, given the limited area we have, we are trying to progress towards the kind of thing you are talking about, and once the restoration committee has finished its deliberations on the use of the building and where certain things will be in the building and a final decision is made on where the dining room will be, we will be able to build in a lot of these other features that you are asking for.

The Chairman: Thank you very much. I think we are running a little behind time, but it is important that we cover these areas.

Mr Dietsch, regarding the telephone system.

Mr Dietsch: I would like to make a couple of closing remarks on the other issue, if you do not mind. That is in relationship to some of the comments made by my colleague Mr Matrundola. I differ in view from his view with respect to imported products, and of course I have a number of reasons why.

That basically is because of this being the Ontario capital and, quite frankly, the display house, if you will, for the products of Ontario. I appreciate the support of the members in that relationship. I will not go into long-winded debate on that relationship because, as I understand it, the committee has indicated that it would like me to file a report, and I will cover those points in that report to this committee.

On the other matter with respect to the telephone system, it is my view that we have a double problem in relationship to telephone services, not only here in the Legislature offices, a problem which I understand—and I stand to be corrected—is being addressed by this committee, but also in relationship to the constituency offices. I know from my experience in running my particular constituency office that there is a lot of downtime with regard to the telephone services that are available.

I guess they are the earlier models of the telephone with the pushbutton control and do not have a lot of the features that the newer models have and therefore go into a lot of downtime and wasted time. I am talking about



features such as the preprogrammed direct dial, the last number recall, hands-free sets, on-hook dialling. Those kinds of features are not only productive benefits for the staff we all hire but they make the job considerably easier.

The difficulty, the way I see it, is that I have been elected for two years now—and the telephone system in the Queen's Park office was one of the points I raised that was discussed earlier—here we are two years down the road, and we are still waiting for the Queen's Park office telephone system. If you carry that sort of analogy into the constituencies, many of us may not, and I stress "may," be here for the new modified models that I hope we will get. I hope that—

Interjection.

Mr Dietsch: You notice I looked at the opposition members when I said "may not." I tried not to, but that is—

Mr Breaugh: Take a good look. It may be your last look.

Mr Dietsch: That is right. I think that is fair ball.

The Chairman: I think before we get too far into this, Mr Dietsch, we should keep in mind—just make your points and Mrs Speakman might be able to answer your prayers.

Mr Dietsch: The point still remains that I would like to see that we have either a system that is put in place through the Toronto overall services or an increase in our global budgets that we might be able to take advantage of. I am talking about telephone systems such as Vantage or Meritor, which could have been bought from Bell telephone this year at quite a substantial savings to members. There is a great savings for members' offices on these new modern telephone systems.

With those few remarks, I would urge this committee to move in that direction.

The Chairman: Mrs Speakman, can you just bring us up to speed on what is happening with the telephone system? Then we will have questions, just so that everybody knows where we are at.

Mrs Speakman: Yes, I can. We did a study on the telephone system both in Queen's Park and constituency offices at the end of the last fiscal year. A report recommending a brand-new system for this building was presented to the board during my estimates and approval was given for us to proceed with the cabling phase of that program.

We are now in design. By the end of this fiscal year we plan to have what they call the backbone of the cabling system in place. We have also included in that data cabling so that we do not go into the walls and everything else twice. It will all be done together. The backbone will be in and we plan to have at least one, and possibly two, floors cabled by the end of the fiscal year, at which time the new sets can start to be purchased and installed. All of the features that you mentioned, Mr Dietsch, are included in the must-haves for the new system. They are basic features. There is nothing sophisticated about them in 1989.

In terms of the constituency survey, the same study addressed that and,

as you perhaps do not know, we have left the constituency program in total with the supply and services group rather than have constituency offices trying to deal with several different people within the Office of the Assembly. Molly Pellecchia will be handling the results of that study and bringing it forward to the board with a recommendation for implementation of a new or revised or upgraded telephone system for constituency offices.

I am not sure just exactly what stage she is at with that, but I do know that it is in the works for decision this year. Implementation, depending on the solution, would be progressively after that, and I am sure she will have it in her next year's estimates. That is the stage we are at with it at this point in time.

One more point on that: The rest of the government in the Queen's Park area is also developing a new phone system for the whole downtown core. We are hoping that our timing will be exactly right and we will not be too far ahead of them to hook into that system so that it becomes one solution. Regardless of that, you will still have vastly improved Ontario communications network capabilities without getting cut off halfway in a conversation or having a lot of downtime with that system.

The Chairman: Okay. There are three people who have questions: Mr Campbell, Mr Johnson and Mr Adams.

Mr Campbell: I have not so much a question as a comment. First of all, I appreciate having an opportunity to say that we are possibly leading in phone service that has gone from virtually, in the technology phase, two cans and a string, to a fairly modern system in a reasonably short period of time, given the glacial speed at which things move around here.

Mr Adams: Some glaciers move quite quickly. You would be surprised.

Mr Campbell: I know.

Mr Adams: There are glaciers that move at five kilometres a year.

Mr Breaugh: I did not know that.

Mrs Stoner: No, I did not either.

Interjection: I did not want to know that.

Mrs Stoner: I did not need to know it.

Mr Campbell: I am just overwhelmed by the knowledge that this committee comes out with at points in time. However, the point I was making was that I think we are making progress in the totality of the thing but, again, we are dealing with the global aspect. What suits a constituency office in Peterborough, Sudbury or Kenora may not suit the folks in Toronto. We may move at a different speed and not need some of the things that others might need. I just make that point again that there should be a move for more local members' or individual members' input into the budgetary process that affects them, because I think savings can be made and put in other areas that are needed for an individual member's sort of tailored area.

I know that there is always the temptation for folks to try and get

everything modelled on Toronto, and then it makes it easier because they all live here, I understand that, but I think more sensitivity to other concerns across the province is very important, because it allows for those individual savings, cost-effectiveness and all of that. Certainly if you are worried about budgetary process, the controls are so tight on budgetary process right now that I do not think very much can happen.

I do have a lot more faith perhaps in the individual members' kinds of concerns, because it has been amply demonstrated time after time that we are a reasonably sensible lot, and we can probably surprise some of the good folks down here in Toronto that we can in fact effect savings and do the kinds of things that we all should be doing. With those words, thank you, Mr Chairman.

Mr J. M. Johnson: I think the committee should go on record as supporting that principle that the telephone is the most important device that we have in rural Ontario. It is just impossible to operate without it and with the cost of mail, quite often the telephone is the least expensive means of communicating. Regardless of what happens at Queen's Park, I think we should be able to move immediately in constituency offices to improve the service that we have.

I feel that this committee should make that known to the board and the powers that be, so we can make the movement, at least in constituency offices, certainly within the next few months.

Mr Adams: I would just like to go back to the recycling and reuse points, Mrs Speakman. We realize that you are buffeted by all sorts of things. You are in a very peculiar management situation here. We are asked very often what can an individual do, for example, in recycling matters. I would just like to leave with you a thought, which is: if in doubt, buy durable. I think if you think about it, and I would be glad to discuss it with you later on, it is a very interesting thing for someone in your position.

For example, if you are in a position of buying plastics—you are going to be; we all use plastics—I think it is very interesting to say to yourself, if in doubt, buy durable. You buy a durable plastic as distinct from another. I could give you other examples of it. So in your attempts to find a compromise between all the advice that you are constantly given by members and others here, I hope you will bear that little rule in mind: if in doubt, buy durable.

Mr Matrundola: Once again, I would like to congratulate our colleague Mike Dietsch for bringing to our attention the telephone system. I hope that will also have a built-in speaker, because sometimes you are in the office looking at papers and so forth and you are able to address whoever is calling you and so forth.

Just going back briefly, I have a comment on the business of the wines there. The reason I feel that we should also have some other type of imported wines is because that comes under spirits and if we are to have only Ontario products, then we should stick to rye produced in Ontario, but we also have scotch, rum, gin, cognac and liqueurs. I do not think you would want to cut the rest off. They come under spirits and, therefore, I think it is better to have a little variety—not to promote it, but to have it in case somebody asks for it.

The Chairman: Do you have any comments, Mrs Speakman, with regard to this?



Mrs Speakman: With regard to what?

The Chairman: Essentially, we are talking about the telephone system. You have briefed us on what is happening. Should we leave it at that? Do you have any further comments on it?

Mrs Speakman: On the telephone constituency?

The Chairman: Yes.

Mrs Speakman: I know that Molly Pellecchia has received her report, which is a report based on the survey that was done of all constituency offices and that she will be bringing that forth fairly shortly. I guess that is really all you need to do at this point, except I think to endorse that something needs to be done. I think that would be helpful.

The Chairman: I think the other important point is that Toronto is not Ontario, that there are constituency offices outside of Toronto.

Mr Dietsch: I would like to thank the committee for the opportunity to come before it once again. I look forward to either making great accomplishments over the next year or appearing before you again next year.

The Chairman: We are going to have Mr Fleet next. He is in a committee and has limited time. This has to do with constituency budgets. We have here this morning Ajit Deshmukh, who is the director of finance, and Ms Bev Biggley. All of us probably know both of them because they have worked hard on our behalf for some time now. If both of you want to come up, in case there are questions, you can get a couple of seats there and answer the questions into the audio system if necessary. Mr Fleet, do you want to proceed, please.

Mr Fleet: Thank you very much. First of all, I would like to address the issue of the allocation of budget for constituency offices, particularly as it relates to Metropolitan Toronto. Currently I am the chairman of the Metropolitan Toronto caucus for our party, and I have had an opportunity to acquire some information from members in both the city of Toronto and elsewhere in Metro. I have compiled some information which will illustrate some of the problems we are experiencing.

The suggestion I would like to make to this committee is that the rent allowance should move to the true market level reality that we face in Metro and also that to some extent perhaps the rent allowance should be more flexible. I have just had a beneficial discussion with staff about the second point, and they advise me there is a memo from 1988 which indicates that the nonaccommodation portion of the budget can flow in to make up a high rent that a member may pay. That is something I was not previously aware of, and it was certainly not the information communicated to me when I had to make a decision about getting an office in 1987. I would also say I do not think very many members realize that. In any event, you cannot flow the money the other way. If you happen to get a good rent, it does not represent a saving you can use elsewhere. I would think something moving to a global budget would make more sense in the long run.

In any event, for the offices on my list for seven ridings in the city of Toronto, the current limit right now is \$11,770 per annum, and my information is that at least five of the seven offices are over that amount and fairly substantially.

I would add that the kinds of considerations which I think all members are looking at are, first, a reasonable location that is accessible. In Metro that means being near the TTC and probably also being in a place where there is some parking, because people will get there both ways. Outside of Metro, I realize that some of the transportation considerations are different, but you still-look for an accessible location. That is obviously crucial.

A second consideration is visibility. Generally speaking, in Metro an ideal location is a storefront.

A third consideration that I know just about everybody wants to have and makes a real active effort to try to find is an office that is wheelchair-accessible. As a practical matter, that tends to narrow your choices of what offices are available at a given point in time.

A fourth thing, of course, is just adequate size. As you will see from some of the information I have, a number of members have problems with the size of their offices.

I have numbers written out. Perhaps I can just provide that afterwards to the clerk, and it can be typed up so it is a little more legible for everybody to read it. But the range in the city of Toronto for the offices I was able to get information about is between \$10,380 and \$15,800. As I say, five of the seven are over the current limit. About half of those are storefronts. About half of them are wheelchair-accessible; the other half are not. There is one located in a basement. My own is located inside the lobby of a building. Another is on the third floor of a building. For the one that is on the third floor, the rental is \$11,382, so it is just shy of the limit. It is on the third floor; there is no wheelchair accessibility. It is only 400 square feet. It is estimated by the people in that office that they could get a storefront for about \$24,000 in that riding, because of the limited number of locations available. If I was to get a storefront in my riding, I would estimate it would range between \$18,000 and about \$36,000 per annum, probably higher for some stretches of Bloor West Village.

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In the current location I am in, just to give an example relating to me, I am right at the limit, because I wrote the lease that way, but I know it is less than its true market value. On top of that, I am obligated for hydro, so in fact I am over the limit. Ours is at most 450 square feet.

Perhaps the worst example is one that was—and these are last year's figures—\$12,828 last year. It is a basement. There is no wheelchair accessibility. It is 523 square feet and the staff is three. I think they must be on top of one another.

In other parts of North York, East York and York, the figures we have here have a greater range. The high is somewhere between \$15,600 and \$16,800. That figure is variable in that particular office because the amount for utilities is not quite known. It is 900 square feet. The figures go down to lows from last year of \$8,200 and \$6,900, but the one at \$6,900 is 240 square feet with a staff of two. We are advised that a 400-square-foot storefront in the same building would be \$14,400. There is another office which is \$9,500. It is on the third floor. They tell me it is a poor location. They have one and a half staff allocated.

The pattern that emerges from the information I have would suggest that

particularly in Toronto and ridings up the core of Metro there is the greatest problem with availability of something that is economical and accomplishes the other objectives. I would say that wheelchair accessibility is essentially a social objective. I think it is very important. I turned down all kinds of locations that, aside from being expensive, simply did not allow people to come in. I know that is a widely shared feeling.

I have not come to say that the dollar value should go up to a certain number. I do not think there is a magic number. I think the object is to try to be sensitive to the realities of the marketplace. Nobody is looking for something that is plush. I think we also have an obligation to be reasonable. In that respect—and I can only speak for my own office—I do not think we have done it in a plush way, but we have tried to be reasonable, to be able to accommodate when a group of people come in. I know that our office, with the size we have, gets quite crowded once you have a few people come in to see you. We do our best to accommodate them, but it is a bit of a problem.

Certainly there are offices that are suffering because they either are not as accessible as they would like to be or, in order to be accessible and have the size, they are somewhere in the area of one third to perhaps as high as 50 per cent over what the current budget is.

The Chairman: I want to remind members that we are running behind time.

Mr Fleet: I have one other brief comment about a related matter. This will not take very long.

Currently members are permitted to claim for mileage inside ridings, there is mileage if you go to Queen's Park and also there are 12 trips a year. What it does not allow for is the reality in Metro that frequently members will be on legislative business that is not in their riding, and unless you are going to keep track of every trip from Etobicoke to Scarborough, it does not count as one of your 12 trips. You will notice that in my last report I think I had seven trips, but very of low average mileage. Those are my trips when I go on legislative business to places like Oakville or Hamilton. I do not even attempt to accumulate the ones where I have to drive across the city.

That is exactly the same problem that people also have throughout Metropolitan Toronto and probably even surrounding Metro as well. You are crossing several ridings because the community organization happens to have its office somewhere else in Metro. We will be travelling distances routinely, for which currently there is no allowance. Similarly, parking and taxi expenses, which are receiptable and easily proven, are things that members at this point are just absorbing. I do not think it is the end of the world if this is not accommodated, but it does seem to be funny, not in the sense of humorous but in the sense that it is not a very logical gap in the way that things are accounted for. But that is a much more minor point compared to the rental matter.

The Chairman: I have six people here. You need not respond to each individually; you may want to do it in the end.

Mr Campbell: I will attempt to be brief, if I can. The question is of course, what I said on the previous situation about the phones. If we had more of a globalization of our budgets, we would be able to adjust for the kinds of things that the member is talking about.



I find it incomprehensible that somebody on business cannot claim mileage in a geographic area such as Metro. I understand how difficult it is and how compact it is, but it seems quill-pennish, if I might, that we cannot honour taxi chits. I have difficulty when my staff or female members of the Legislature have to travel by cab for personal safety and we cannot provide cab chits, as Bell Telephone and other large corporations and some ministries do perhaps, or receipting those cabs.

It is the same with parking; parking is abominable in this city; \$10, \$12, \$15 for an appearance and members have to absorb that. Before anybody says anything about the tax-free allowance, I do not think that to absorb those things is the intent of the tax-free allowance, because other members do not have to absorb it, because they have a mileage claim.

Again, with constituency offices, there has to be some accommodation globally to adjust. Perhaps Metro does not need the staff that other people do and they can put that allowance into the constituency office. Conversely, I feel that because of my distance from Queen's Park that I have more staff needs perhaps, but I do not have as much of a constituency office requirement because basically our commercial market rents in Sudbury are lower than they are in Metro.

As we move slowly—I will not use glacially again—to this end, I appreciate, for example, that we have got the \$10,000 allowance, miscellaneous. I think that was after the last outburst this committee made about allowances. It still does not address the problem, but as we move to that, very clearly, we have to reflect the reality of what goes on.

I have one final note, a personal comment. I am pleased to see Ms Biggley here. I have talked to her on the phone and written her letters and she is one of the most understanding—I do not know how she does the job—and patient people in the business.

Thank you, Mr Chairman; four minutes and 30 seconds.

The Chairman: After that, she will be asking for a raise. Members, let's keep it very short.

Mr Curling: As Ms Biggley knows, I have moved my constituency office four times in my five years. One of the things too is the cost, especially in an area like Scarborough; the costs just keep on expanding. I do not know if we could ever work out a situation where we find out what the square footage costs are in certain areas, because it varies from Toronto to Scarborough to Pickering, and then make an assessment and say that people within that area, because of the cost of square footage for rental, would get a certain amount, because it really, really varies accordingly. I think that much can be done in that respect—the space.

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— Again, one could be completely honest about this. Having been a minister at one time, one is able to more or less accommodate and take some of the pressures off one's staff there. I think that members, backbenchers, have it extremely difficult because of the pressures. I do not know if I attracted a lot more having a very difficult time to adjust, but I know the staffing there is quite inadequate to carry out the pressures, especially in a very highly developed area, so I think the budget could be looked at in that way.

What Mr Fleet said about travel arrangements outside the ridings is very important. I think the situation we have seen—I will just speak for my riding where there is one hotel, for instance, so there are riding activities to be done and they have an event and they go outside a lot do their events. I am travelling back and forth all over the place and I gather that I cannot charge travelling expenses for that, so I absorb that. I am finding myself running all over the place.

Quite a few ridings in the Metro area have a variety of different cultural groups. If you have, for instance, a Chinese concentration in my riding, that has quite a few events downtown and I am invited. If I do not go, they see I have not attended my constituency events, but one does not get paid to come downtown for that, so one absorbs that. I think those are the things we have to look for. Who should really absorb those expenses? I do not feel we should personally absorb them. I think one should be able to charge those constituency travelling costs.

Mrs Marland: I very seriously want to endorse Sterling Campbell's comments about our staff member, Bev Biggley. I know that is not the purpose of this meeting, but I want to say that based on my four-and-a-half years' experience, Ms Biggley is an exemplary, conscientious, extremely fair individual. I do not envy her her job because I think we all call her and say, as I did recently—David, you will be interested in this. My landlord has just given me a 50 per cent increase in rent. None of us has the time to keep moving. Alvin Curling says he has moved four times in five years.

Anyway, I know that when we are hit with these frustrations, it is just one other thing we have to spend time on that we do not want to spend time on. We phone Bev and say, "Oh." She really is a superb individual.

I want to sympathize with you about your comments on rents. I think any of us in the GTA, the greater taxation area, are now hit with those kinds of implications, and certainly in Mississauga South from my own personal experience as of a month ago. I am now hitting the pavements looking for alternative accommodation because although I can pay a 50 per cent increase, it means that it takes it away from my other—sure, I have the additional constituency budget to take it from, but then I need that money for the purposes it was assigned for. I am sympathetic to what you are saying.

I also want to say that I support the comments—I can even say that I am not so concerned about the mileage, but it really bugs me about the parking. When I have to go downtown, I do not mind paying—the mileage is peanuts compared to paying, as I did last week, \$18 for parking for a three-hour meeting. In that case, it is cheaper to take a cab if you have time to wait for it.

I do agree with the points that are being made. I do not think we should be given unlimited use of cabs and I do not think we should be given unlimited use of public money, but I think that where we have legitimate claims and those claims are not abused, that is what we should be looking at.

Parking is so easy to identify as far as the location of the meeting, function or whatever it was we were at is concerned. Mileage is a little more difficult because it is hard to account for in detail, but parking is not. I think there are times when certainly taxi receipts, if they are documented with the function or the meeting, should also be legitimate.

Mr Breaugh: I have just two quick suggestions. I would like to see a

little staff report prepared for the committee. I do not have a big problem with having limits or guidelines for rental accommodation, but I think every one of us could give you chapter and verse that there are places in this province where you cannot stay within the guidelines, even with some flexibility. It seems to me that in those instances, what we need is some technique of approving a variation and perhaps the staff could kind of turn their minds towards how we might do that where the guidelines simply do not work.

The second thing is that I really would appreciate it if we could have a little report on the matter of expenses. It seems to me that people have raised legitimate concerns. I do not think anybody is going to get independently wealthy by being able to submit a \$3 cab chit. I think what we are looking for here is that normal business practice should prevail if it is a reasonable expense that someone incurs on behalf of the assembly. I do not think anybody is trying to cheat them out of that money.

I am rather interested that some members seem to have difficulty with that, but it seems to me we ought to review it. For example, I do not know what the difference is between legislative business mileage and constituency business mileage. I am a little confused about that myself. Maybe if we just had a little update of how we put out those forms and how we allocate those moneys, that might resolve that problem.

The Chairman: Does anybody wish to respond? Mr Deshmukh, do you wish to respond to some of this as the director of finance, or Bev Biggley?

Mr Deshmukh: If I may, I would like to respond to Mr Fleet's comments on the Metro rate. To begin with, I would like to borrow your copy of your survey. It will be very useful indeed to use that and do some costing for the board. The estimates, as you know, will shortly be prepared for their board submission, so I will undoubtedly undertake to do that.

Just for your information, last year the board did take into consideration increases in costs, particularly in the constituency area, in recognition of the fact that the Metro area has considerable differences with the rest of the province. The overall estimates of the assembly were approximately four per cent; the constituency, as a result of all the considerations, went up 20 per cent last year. I think what we would like to do is bring it up to current levels, given your input into the system.

Mr Fleet: I am pleased to provide you not only with this, which is based on our best available information—in some cases square footage and whatnot is estimated as best we can—but if you need additional information, I am sure members would be happy to give you whatever we can.

Mr Deshmukh: On the other point regarding clarification on Mr Breaugh's statement, we will make an attempt to bring that out very quickly.

The Chairman: Thank you very much. Does anybody have any motion or some other direction?

Mr Campbell: Perhaps in the interests of moving things along, I would like to move a motion that this committee recommend to the powers that be that more flexibility be entertained between budgets and that consideration be given to cabs, parking and mileage allowed for Metro, because I think it is a very important aspect of this business.



The Chairman: This would be a recommendation by this committee to the board.

Mr Campbell: That is right.

The Chairman: Mr Deshmukh and Ms Biggley just carry out the wishes of the board.

Mr Campbell: I appreciate that.

The Chairman: So this would be a motion that we would give to the board to be more sensitive to some of these things.

Mr Breaugh: What I am searching for are some reasonable answers by consensus. If it is not an imposition, I think a slightly different route might work a little better. I think that if the staff worked up their report and recommendations and brought them to this committee, and we could sound them out a little bit, then by the time it went to the board we would have the consensus it probably would need. I think one of the problems we have had over the years is that people who sit on the board and make these decisions often are not reflective of ordinary members. We may have some different kinds of and I do not think the board ever meant to do us harm or anything, but if you are a minister of the crown, you may not be really worried about constituency mileage allowances.

Maybe if we could get the direction of the thing changed a little bit so that the staff report came here and we had a chance to kick it around, and then it would go to the board in kind of a consensus position, that might resolve some of these problems.

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Mr Campbell: Given the fact of the interests of time and given the fact it has already been moved on, I will withdraw it, subject to the report coming back, but hopefully the point has been made that we move expeditiously in the matter so that these members know that some action can be taken by this committee.

The Chairman: Is everyone in agreement with that? Agreed.

I would ask Mr Deshmukh and Miss Biggley to stay. The next matter deals with security lapel pins. Mrs Marland.

Mrs Marland: Would you like me to move to the seat of honour?

The Chairman: You can stay right there, Margaret.

Has Barbara Speakman left? She will be back. This deals with security in the Legislative Assembly.

Mr Campbell: I would just remind the member that this committee has dealt with it. Our normal role is to move in camera because of the sensitivity of revealing security information. If it is a concern of just generally security lapel pins, I do not have a problem with that but I would have a problem if we strayed into other areas. I would ask the member to appreciate the concern this committee has.

Mrs Marland: I understand that concern very well, Sterling, and I

respect that. I am only going to deal with the general aspect of security and maybe recognition. I know that we are all aware of the fact there are other legislative assemblies in Canada, and certainly the federal House members have pins that identify them as members of the federal government or members of the legislative assemblies.

The federal members' pin has an identifying number on the back of it so that if it is lost, they can trace it to the member. In fact, in Ottawa they go even further and the wives—oops, spouses—

The Chairman: Better you say that than me.

Mrs Marland: My husband does not have a pin. Anyway, the federal spouses also have pins. I recognize that the Ottawa home of our federal government has many more visitors, that they have a larger building and that security is a far greater challenge to them, just in the sense of pure numbers. However, I respectfully suggest that security is not a matter of numbers; it is a matter of individuals, whether it is 130 or 286, frankly.

We are in a building of great tourist and public attraction. Speaking as someone who obviously is not well organized enough that I can leave at 6:30 or seven at night, I am often here very late at night and in and out of the building during the evenings. I just feel that, in fairness to the people who are responsible for our security in this building, it would be great for them to easily identify us as members. We have a lot of our staff in this building who are responsible for our security, who are the same staff and have been here a long time. Periodically, for different reasons, there are obviously changes in staff and there are new people, and at first it is not easy for them to recognize us and, in looking after us, they will stop and ask us who we are or where we are going. From that point of view, I think an identifying lapel pin would have a very functional purpose. In fairness to you, I must tell you I have had an ongoing affair with our Speaker about this matter.

Mr Breaugh: Oh, oh.

Mr Campbell: This is going in Hansard. True confessions.

Mr Breaugh: Two careers down the drain.

Mrs Marland: He is such a fabulous man that—

Mr Breaugh: Is there no end to this?

Mr Campbell: Tell us more.

Mr Breaugh: Do you realize that this is being recorded?

Mrs Marland: Yes. That is fine.

When I first came here four and a half years ago, I made the suggestion and for that first year I got pleasant listening, and then finally I was delighted to know that the Speaker had given direction that at least a pin be looked into. A pin was subsequently designed and developed as a prototype, a single pin. Linda Phillips, who was our director of parliamentary and public relations, went around for a year wearing this prototype pin and I suppose looking for comments; but everyone I spoke to did not know this pin existed for that purpose. Anyway, Linda has long gone and so has the pin, and I am still writing notes to the Speaker from time to time saying—well, I will not

tell you what the notes say, but in any case he and I have had a very serious exchange about the fact that I feel bound, bent and determined that we should have these pins.

One concern that he did express was that this prototype was quite expensive. I think as it was developed, it was something like \$84, and I said: "I am not asking the Speaker to pay for those pins out of his budget. I am quite sure members of the House who would be more than willing to purchase these pins." They would have any number of purposes outside of this building too, obviously, when we walk into large gatherings and so forth. It is very easy to spot the federal members because they have got their pins.

As a matter of fact, it is coincidental that I am wearing this pin this morning. It is the \$22 Ontario pin, and these only last a certain length of time because they do not have a tremendously good finish on them; but I find that this even helps when I go into large gatherings where, obviously, we are not known and people know that the MPP is coming but they are not sure who he or she is. I just feel that it would be very nice for us to have that identifying pin and at least have the choice of having one.

One other suggestion that the Speaker made to me was that when we all become MPPs, he give us the Canadian Parliamentary Association pin, which has a mace across it, a very small green pin. He said, "I don't see anybody wearing those pins, so I don't think people are interested in pins." In any case, from my one-to-one conversation with members of all three parties, I find there is in fact a very real interest in having these pins. Apart from providing identification outside of these buildings, I think it has a very real advantage within this building. It is much more than cosmetic.

The Chairman: In the interests of time and of avoiding a debate on security, I do not think we will entertain any questions. I know that three or four members have their hands up, but we had a full discussion on security yesterday and the steering committee of this committee and the Speaker will be discussing that at a later date.

Your comments today are in Hansard and they will be drawn to the attention of the Speaker, Mrs Marland, and our steering committee members here are aware of it, so we will leave it at that. We are reviewing a number of things. The director of legislative services was here and the Sergeant at Arms will be apprised of your comments too, so that we will take those under consideration. Thank you very much.

Mr Polsinelli, you want to speak about car phones.

Mr Polsinelli: Yes, Mr Chairman.

1130

The Chairman: I thought you were going to speak from your car phone to the committee about this matter.

Mr Polsinelli: I tried to make arrangements with the committee clerk, but unfortunately Mr Grossman is no longer here and he does not have that portable phone, so I was not able to do that.

My problem is a fairly simple one. In September 1986, I inquired as to the possibility of obtaining a car phone. I was told at the time that we are allowed three lines in our constituency office. If we were not using the three



lines, one of the three lines could be used in our vehicle as a car line.

I was also informed at the time that the cost of installation and the rental charge for the phone would have to be absorbed by the constituency office budget, but that the actual usage of the phone—that is, the monthly charges for making the phone calls—would be an assembly-paid expense, as are all our other phones, both in our constituency office and in our Queen's Park office. At that time I decided to install a car phone under that understanding and that arrangement.

In the 1988-89 year, the Board of Internal Economy introduced a communications budget. With the introduction of that communications budget, things changed somewhat in that the procedure for the car phones has now changed. The full expense of using the car phones now is to be drawn from our constituency budget, that communications budget. Whereas before, the actual phone calls were being paid as an assembly-paid expense, once the communications budget was introduced, the actual phone calls were deducted from the constituency office budget.

In my situation, that caused a bit of a problem, because I was not aware. I was aware of the communications budget, and I spent it, but I was not aware that the actual phone calls were going to be deducted from my constituency budget.

As a result, at the end of the year I had an overexpenditure, I think, of about \$1,500. The vast majority of that is probably due to the actual telephone charges on my car phone that I was not aware were going to be deducted from my constituency budget.

That is my own personal situation. I have written to the Board of Internal Economy and asked it to consider that situation and to restore the previous situation where the actual phone charges became an assembly-paid expense. I have also asked them to do it retroactively so that it would cover my particular overexpenditure. That was done very early this year. I think it was in January or February that I sent a letter to the board. They have yet to consider it. I do not think they consider it a priority item.

I have canvassed a lot of members of the Legislature, predominantly in our party, who have car phones. They were not aware that the actual phone call expenses were being deducted from their constituency budgets. They informed me that they thought the telephone charges for car phones should be exactly the same as the telephone charges for any other phone. I am essentially asking this committee that it make a recommendation to the board that car phones be treated in the same fashion as any other phone; that is, if you are purchasing or renting the actual equipment, that that be a constituency office expense but that the actual phone calls be an assembly-paid expense.

The real irony in this is that I was informed by Bev—and I share everybody's comments about her professionalism and helpfulness—that because of the change, long-distance calls in my car phone are still an assembly-paid expense but the local calls are a constituency expense. If the board does not change the policy, perhaps what I will do is just have my home base for the car phone transferred to Ottawa so that every call I make in Toronto will be a long-distance call.

Mr Breagh: Well, why are you here? You know the end of it.

Mr Polsinelli: Those are my comments with car phones.

The Chairman: Unless somebody wants to elaborate on what he said, I am going to ask Mrs Biggley-----

Mr Callahan: Can I just ask one thing? On the current telephone I have, and I not sure it is the same with everybody else, if you travel outside Toronto and you are in, say, Orillia and you want to call the house that is immediately across the street, it is a long-distance telephone call.

The Chairman: No.

Mr Breagh: Yes.

Mr Callahan: That is what I am running into.

The Chairman: It may register that way, but you do not necessarily have to call a local area code.

Mr Callahan: You have to dial 1. You do not have to dial the area code, because you are in the area code, but you have to dial 1, so it is a long-distance telephone call.

The Chairman: The charges may be long-distance.

Mr Polsinelli: No. I do not think so. I think the companies have what they call a roam number. If you have the roam number for the particular area you are in, then it is treated as a local call.

Mr Callahan: Carman says that is just incoming, not outgoing.

The Chairman: Mine is charged to Waterloo, but when I am travelling in Toronto, I do not have to dial 416, I just dial direct.

Mr Callahan: That is right.

The Chairman: But what Mr Breagh is telling me is that this still shows as a long-distance call.

Mr Callahan: That is right. That is why that is something that should be looked into when we negotiate these current telephone agreements with Bell Canada. They are making a fortune on us.

The Chairman: Do you want to respond, Mrs Biggley?

Mrs Biggley: Yes. I think perhaps a clarification of the phone entitlement as assembly-paid versus nonassembly-paid items is perhaps the first step. We are under some guidelines that the assembly will pay for up to three phones, three lines. Anything over and above that was to be absorbed after 1 April 1986 in the members' budget. Prior to 1986, if you had a car phone, that was something you personally paid for.

Then in 1986, of course, we had to define what are three phones, three lines, and the definition that has lived since then is: a phone is one of those sets that sit on your desk, sometimes rotary dial, more often touchtone, colour, having a number of incoming lines. You are correct in that when we got into the program at the end of 1986, you have a fairly unique---You do not have Bell Canada equipment in your constituency office. There was an attempt at splitting not the line, but the actual set. In other words: What is a car phone in relationship to a set? The actual physical piece of equipment is

determined as a set. The line could never be equated, because you are using actual cabling from Bell Canada; you are using airwaves or radio waves for lines. So the split was for the sets.

Then, as more and more members got involved in car phones, the \$3,700 came into effect and that is where members can charge. Again, your lines are radio lines. You are determined by peak and off-peak times. The only similarity between those kinds of costs and what would appear on your Bell bill, if you had three phones, three sets, would be long-distance. That is being picked up right now.

Mr Polsinelli: Perhaps, before the committee members start asking questions, I require a clarification. Does that mean if I purchase another extension?

Mrs Biggley: If you get another—

Mr Polsinelli: When you are talking about sets, I have a rent-purchase system in my constituency office, but I only have two lines. Quite frankly, I do not know how many units I have. I may have four, I may have five. Quite frankly, I do not know. The rental for the system and the rental for the units is a legitimate constituency office expense. The lines that I have coming in from Bell Canada have been paid by the assembly. The phone calls I make are paid by the assembly. In 1986, I had two lines coming into my constituency office, one line going into my car.

Mrs Biggley: You do not really have a line going into your car.

Mr Polsinelli: I had airwaves going into my car, but it was one phone number. I can identify two phone numbers for my constituency office, one phone number for my car. In 1986, the rental of the unit in my car, the monthly rental for that, was a constituency office expense. The phone calls I would be charged for when I picked up the phone, at 50 cents a minute or whatever the rate is over the so many minutes a month—that was an assembly-paid expense, in 1986 when I obtained the unit.

Mrs Biggley: It should not have been.

Mr Polsinelli: Well, it was. That is my understanding of the situation back then.

In 1988-89, when the communications budget was introduced, from my constituency budget started being deducted the actual phone calls I made.

Mrs Biggley: I think even if you go back to 1987-88, the same scenario we are talking about now was really in effect in 1987-88. There was some correspondence with your office or communication with your office concerning car phones at that point.

Mr Polsinelli: If that is the case, then I am going to have to change my request to make it retroactive for two years, because I incurred an overexpenditure also two years ago of \$670 and I could not quite trace where it came from. If that is the policy, it is ludicrous.

1140

The Chairman: We have some other concerns regarding car telephones.



Mr Campbell: I am going to reiterate the point once more. I like Mrs Biggley so much that I would like to make her job a lot easier.

Mrs Biggley: Bless you.

Mr Campbell: In doing that, though, it is going to make our job tougher to deal with Management Board and tell them to get into the 18th century from the 12th, and would we please---

The Chairman: It is not Management Board, it is Board of Internal Economy.

Mr Campbell: That is what I said, did I not? Sorry: the board of infernal economy. I will use that term again. Because the next item is going to be fax machines. As sure as I sit here it is going to be fax machines. There are some situations being worked out, but I know that is going to be the next thing and we are going to be here two years from now talking about fax machines.

Would it not be simpler to add up all the bills, make it global and say, "Okay, live within that budget," because every time we turn around Mrs Biggley has to come back and tell us---okay, I did not read the memo of 10 June 1988; I was not here. I did not read that, I admit that. My staff did, but probably did not feel that it applied to me at that point in time.

Car phones: We did not have the Cantel system in Sudbury until last year, so I would not have read anything about car phones. I could not use them until I got south of Parry Sound somewhere and then I could pick up the dead spot. Now that we have it, I have to go back searching for a memo that may or may not exist.

It would be much less wear and tear on my staff and myself personally if you said, "Here's your budget; deal with it." I think we can live within the postage rates that may be higher for our area, with the phone rates that may be higher for my area, but they can sure deal with the constituency office expenses, which I think are generally lower than they are in Metropolitan Toronto; at least that is the testimony we have heard this morning.

On things like car phones: it is ludicrous when you start splitting rules. If you want four lines, then you have to do without something else, but that should be your judgement. If you want a car phone and want it paid for, it should be your judgement. I am not going to dicker whether I have two lines in my constituency office to get a car phone and then find a fourth line to get my fax machine, because the fax machine is going to take one of your lines away. So with the car phone and the fax machine, you are going to have one line for the public. But I will give up something else. Those are my comments.

Mr Breaugh: I was just going to make a suggestion. It seems to me to be quite reasonable to say that a constituency office budget can handle the equipment costs, the one-time costs for purchasing, leasing or whatever, because they are fixed. So in the limitations of a constituency office budget, I can make my choices there and I can handle that.

The difficulty that I sense people are having is that on the operational side a constituency office budget really is not set up to do that. I do not understand why the phone that is on my desk upstairs is assembly-paid and the one that is in my car is not. What I would like to see tried is to try to work out a policy change so that, if you think it is important to have the one-time

or the ongoing fixed costs of purchasing or leasing equipment registered to the constituency offices, if there is some great reason for that, there is no problem with that.

But on the operational side I do think that it is difficult to do that on a constituency office budget as we now set them up. I would like to see that be designated as an assembly-paid expenditure. I think that would resolve the problem and if we made it retroactive I think we would solve Mr Polsinelli's problem. If we could perhaps have a staff recommendation or some thought as to how we might do that and bring it back to the committee, I think we would resolve this difficulty.

Mr Matrundola: I do understand this problem with the phone and so forth. We have different problems in the constituency. For example, as Mr Campbell was saying before about the fax, I definitely would like the possibility of having a fax machine in the office and Datapoint as well. It makes it a lot easier. So I believe there are a lot of things to be worked out about the service communication equipment that we may need. I believe our job is difficult enough as it is, the time it takes and so forth. At least, we should have the tools and the equipment we need in order that we can better serve our constituents and the government.

Perhaps the budget should be expanded so that all offices, if they so decide, are able to have a fax machine and Datapoint, because it makes things a lot easier. In our constituency office, a letter has to be prepared, drafted, read, changed and so forth. If there was a computer there, it would be a lot easier to make the changes to carry on. Everybody today asks, "Do you have fax?" There is a fax here at Queen's Park, but it is down the hall at the other end, around the corner and so forth.

At least if we had one in the constituency office, we could communicate with people a lot easier. When people have a complaint—businesses, offices or whatever—they want to send something. Send it through the mail? It takes three or four days sometimes to come through. If we had a fax in the constituency office, we could easily get the communication we need.

The Chairman: This is a matter of having the correct amount of money allotted for that, because I know that there are people who have fax machines in their constituency offices.

Mr Matrundola: Maybe we should have a larger constituency budget so we can take care of these things.

The Chairman: Mr Deshmukh and Ms Biggley are going to address some of these things. They are going to bring a report back to the committee on the direction of this committee, at the recommendation of Mr Breagh. I appreciate your comments on this. Mr Curling, you had something?

Mr Curling: Just very quickly to say that I did find myself in the same predicament as Mr Polsinelli. Ms Biggley and her office have worked very well to clean up my little mess. But I think it has to be resolved. I think what Mr Breagh has said is a good way to go—it made a lot of sense of what Mr Sterling had said—

The Chairman: Mr Campbell.

Mr Curling: Yes. I found myself in that kind of predicament too. The quicker we resolve it, the better it is for us. Because of the demands of the

modern-day situation, especially in constituencies that are wide and have a large population, where you just cannot get around, phone is the most potent instrument of communication.

The Chairman: Okay. Any other comments on this? Do you feel your directions are clear enough to come back with some options or recommendations?

Mr Deshmukh: The board did look into the car phone situation and has deferred it for the purposes of actually looking at the entire issue of global allowance. So the board will be reviewing that in the very near future.

The Chairman: We have at least one other query.

Mr McClelland: It is more of a comment. A couple things have been said today that I think are general knowledge to some and not to others. By way of example, on the issue of fax machines, a budget has been allocated for that sort of thing.

Mr Breaugh mentioned earlier that perhaps there should be a memo or an outline. I recall that, shortly after coming to this fine place about two years ago, I was given a little booklet that had members' expenses, indemnities and sort of a comprehensive summary of what was available. Mr Campbell then made reference a short while ago to digging up an existing memo that may have been issued at some point in time.

The bottom line of what I am getting to is, I wonder if we could just have a comprehensive summary made available to members, and then we can avoid a lot this going around the mill for the third and fourth time. It seems to me that the information is there. It need not be printed in an expensive booklet. I think it is personally incumbent on members to note things when they are sent to them; they do not have to have their hands held every step of the way. But apparently it is necessary to have things packaged and presented. So be it; if that is what we need, let's have a mimeographed or Xeroxed summary, provide it to members, and they are on their own then.

The Chairman: I think what might be done in the future is that somebody should give some thought to developing some kind of binder or something where all these various things could be included.

Mr Breaugh: We have it.

The Chairman: I know there are binders for the orders of the day and for the standing orders.

Mr Breaugh: If I could, Mr Chairman, I do not mean to embarrass anybody here, but we have printed such a document. It is in your office. If you cannot find it, if you ask them downstairs, they will send you up another one. But we do have a handbook of members' services; it tells you everything you are entitled to, how to get it, when you can get it, how much you can spend on it. There are not any cartoons in it, but other than that it is pretty good.

1150

Mrs Biggley: It has just been delivered within the last two or three days, a black and white binder. It will be updated annually.

Mr Deshmukh: It will be updated more frequently.



Mr Curling: I was just saying that I am pleased to see it coming out. Especially I, who never paid attention, am paying attention to it now, to realize that it was not updated when I was reading this old stuff. Even the salaries of MPPs were not correct.

Mr Deshmukh: It is no more in a booklet form actually, it is in a binder form, so it gives more frequent updates.

Mr Callahan: The updating service is paid for by the constituency office of the assembly.

The Chairman: Thank you very much. I think we will deal further when we get a report with your particular concerns, Mr Polsinelli.

Mr Polsinelli: Before you dismiss me, can I make one final observation, generally?

The Chairman: Yes.

Mr Callahan: You do not like us.

Mr Polsinelli: I like everyone in this room. That is not true, Bob.

I would suggest that one possible alternative could be to combine both the constituency budget and the global allowance we are given for salaries, with the board defining certain parameters as to the expenditure of those funds and giving much greater discretion to the members as to how to disperse those funds.

I am, quite frankly, not very pleased with the patronizing approach that has been taken by the board with respect to members of this Legislature, saying, "You can spend \$500 here, \$1,000 there and \$2,000 there." At the end of the year we all spend the same amount of money anyway. Why do they not just make one global allowance, combine both budgets and say, "Here's the money, here are the types of things you can spend it for, and it's up to you, it's within your discretion as to which of these are the priorities in your particular constituency."

On top of that, they should define which items are generally assembly-paid expenses and which items fall within that so-called new global allowance. I would like the committee, if possible, to give some consideration to that concept.

The Chairman: It is something we should look at. Why do we not wait until we get the report from the finance branch and then we can look at it at that time.

The next delegation is Mr Callahan, here to speak about accommodation allowance and committee chair allowance.

Mr Callahan: I am going to do them in reverse. You have them before you, so I am not going to waste time reading them out.

It is somewhat self-ingratiating and self-serving to come here as a person who has committed, committed, committed, but I think on behalf of myself and also, more important, other people who may become chairmen of committees, it strikes me a little strange that if you compare the work that many committee chairmen or chairwomen do in comparison to say, perhaps, some

parliamentary assistants, not all—and that is not a reflection on parliamentary assistants; that may be whether the minister uses the parliamentary assistant or not—the difference in salary or the additional emolument for a parliamentary assistant, as of the last update, is \$9,297, and for a chairman of a standing committee, \$4,607 per annum.

When you relate that to whips—and I do not want to put down whips either—when you get down to the latter part of the whips, they are not called upon that frequently. Obviously the chief whip and the other ones may be called upon and earn what they get, but when you get down to each of not more than three government whips at the rate of \$5,198 per annum, and even when you get down to the opposition, it is the same thing for two opposition whips, and normally it is the chief opposition whip who does the job, it seems to me there is an injustice done to the chairmen of standing committees.

For that matter, I would even say there is nothing in there for select committee chairmen and they still do the same thing. Why should there not be an emolument in there of a similar nature, perhaps reflective of the length of time they serve, for select committees?

I might add as well that at one point in time, when I was chairing the standing committee on regulations and private bills, somebody made the determination that because regulations and private bills is sort of reappointed from session to session, they took a pro rata portion of your emolument out. That is not the case any more, I do not think. It was done on one occasion. I fought it and they put it back.

Mr Breaugh: I think that was our attempt at merit pay, though.

Mr Callahan: Fair enough. But that is the first item, and I think that is clear. I have been trying for some time, and I am not embarrassed to say it, to get that raised and it just does not seem to be going anyplace. I do not think it is fair. In fairness to our members, that should be addressed. Going to the first item—

Mr J. M. Johnson: Let's deal with them—

Mr Callahan: All right, okay. I did not know whether anyone wanted to comment on that.

Mr J. M. Johnson: I would go along with Mr Callahan. If he is suggesting cutting the parliamentary assistants' salary by \$2,000 and adding it to the chairmen's, that is fine, but if he is suggesting that the committee chairmen receive extra remuneration, our party is totally opposed to it. There are 130 members in this Legislature and their indemnities should be dealt with before there is any more extra pay to a few privileged people. On behalf of my party, I am emphatically opposed.

Mr Matrundola: I really believe that the total wage system should be reviewed, from the wages of the MPPs to the different appointments, such as PAs, committee chairs, chief government whip, deputy chief, the other three whips, and the per diem as well. I believe the old system needs a revision, but I do understand that it may be difficult for us to discuss the basic wage of the members.

But I do agree with Mr Callahan that the committee chairs and the committee people and deputy whips and the three whips—those things could be arranged because there is a considerable amount of work that these people do.

I am not in any of them, so I do not have an interest in it, but obviously in the future I might get one of the appointments, perhaps, if whoever is in charge will deem fit. I do certainly feel that these things should be looked into and adequate increases should be made and perhaps be brought up to par—

The Chairman: Mr Matrundola, I am not going to get into a discussion; today about all these various categories, for the simple reason that I am not sure it is within our terms of reference. If some people want to make some general comments, I am going to entertain those, but I am not sure whether all these other things come into "members' services" that we have been charged to deal with. I will entertain just general comments but no specific recommendations or anything of this nature.

I understand where Mr Callahan is coming from and I also understand where Mr Johnson is coming from. I just want to keep this discussion very short, very brief, and very general.

Mr Matrundola: I appreciate that. That is why I said that the total system should be reviewed in general. I believe that is important, that at least it has been raised and eventually somebody will look into it.

There is one point I would like to raise—I do not know whether we can raise it now or if we are going to raise it later on or when—about mileage.

The Chairman: We will have to deal with that later. Mr Callahan has his points.

Mr Matrundola: Very well. Thank you.

Mr Campbell: My comments are brief. I think the one point that was left out of the memo we have is the whole impact on the pension plan; apparently part of this is not part of the pension plan, and it does affect those people not only of the government party but also the opposition members who serve as chair of committees. There are instances in this Legislature, at least two that I know of, where opposition members serve as chair. They are long-standing members of this Legislature and I think that if they are given that responsibility, their pensions also should be looked at. From that point of view, I would make that comment, since it was not made by Mr Callahan, although I know he is aware of it and concerned about it.

Mrs Stoner: I am not sure if there is an opportunity in this committee to make a recommendation and I am not sure who the recommendation would be made to, but I would like it put on the record that I would support the equating of the salaries of PAs and chairmen of committees. Having been on the standing committee on resources development and seen Floyd Laughren, how he handled himself and the amount of work that was involved, the pittance in remuneration that he received really is unfair and inappropriate.

1200

The Chairman: Those were all the people I had on my list. The next item; Mr Callahan.

Mr Callahan: I refer very quickly to the second item. I almost was going to drop it. I do not know whether there are any people who have accommodations here in Toronto who are having any difficulty and are winding up being over what they get, and if they are they wind up having to pay back the assembly, but I noticed, when we got down here in 1985, at least, during



the committee hearings that were outside the session we were able to prorate part of our accommodation expense against the committee budget and therefore you might just make it through the year without having to wind up having to pay for something.

They took that out for some reason, and I cannot understand why. ; However, they left in hotels. So someone who chose not to have permanent accommodations but decided to go the hotel route—you would have to work out the mathematics—could probably live in a hotel by charging his hotel bill to the committee expense during the periods when we are not in session and actually wind up not having to pay anything to the assembly. I think it is unfair that that person should be given special treatment over any other member. I think it should be fair and aboveboard for all members. That may result in hotels not being prorated—I do not know—or it may result in going back to the old practice. I would like to hear why the prorating of accommodation against committee budgets was taken out.

Mrs Biggley: In fact, I am not aware of that. I am not familiar with practices prior to 1985; so I would have to look into that for you to give an intelligent answer to that.

Mr Callahan: I think the clerk can—

The Chairman: I was aware that they took the other things out, but I was not aware that they were treating them separately, that for a hotel, in fact, there is not that global amount that there is for the other members.

Mr Callahan: There is a global amount if you stay in a hotel as opposed to a permanent residence, but because you have access to fund some of it through the committee work that is done outside the sessions where you had the same rate you had before with accommodations in a permanent establishment, you are given a leg up, as it were. I note that Sterling has indicated he is having problems; I do not know how many other members are. But it seems to me the name of the game should be that if you are responsible and reasonable you should not wind up having to dip into the little enough we get down here and deprive your families of that. I think that is unfair.

Mr J. M. Johnson: This was raised with the Board of Internal Economy back in about 1983 or 1984, and the change was implemented for two or three months, then the board reversed it for whatever reason. Possibly you could take a look at it and see why they did change it.

One thing, Mr Chairman: I think every year the board reviews a number of members who are at their upper limit. I think usually they make an increase in allowances to cover those.

The Chairman: To clarify this, what we could probably do, Mr Deshmukh, is include this in the motion Mr Breaugh made earlier about coming back with a report—I know you people are always reviewing this—and include that in the report which this committee will be studying a little later on before we then take it to the board. I know the board is looking at it too, so it might appreciate having the benefit of the views of the members of this committee on that before it—

Mr Deshmukh: You essentially want to know what actually was the cause to change that policy in this particular—

The Chairman: I beg your pardon?

Mr Deshmukh: What caused the change or what was the rationale for it?

The Chairman: Yes; why the hotel thing was treated separately.

Mr Campbell: Just to correct the record: Mr Callahan indicated I was having difficulty. I happen to be fortunate enough to have family members and friends down here whom I live with; so I do not have a problem with accommodation. That is about the only part of this budget I do not have a problem with. I live well within that. If I were able to use the excess I have, little as it is, for other things, it might again deal with this global budget aspect that we could perhaps turn our minds to at some point. I just wanted to indicate that I do not have a problem with my accommodation, but other parts of the budget are difficult.

The Chairman: Let me just say thank you, Mr Callahan. We will be dealing with these matters in some way in the future, particularly the second matter that you have raised. I am sure the House leaders will be made aware of your other matter. There are some other items that members want to discuss. I am going to hear those right away.

My intention is to get out of here before 12:30 and not to sit this afternoon. The restoration committee is meeting later this afternoon. I think we have essentially dealt with the members' services this morning, so there is no need to meet this afternoon. With that in mind, Mr Johnson, do you have another point you want to raise?

Mr J. M. Johnson: Yes, on mileage. In 1984, I think, the last increase was made by Mr Martel and myself on the Board of Internal Economy. That was 26 cents; 28 cents for the northern members. I think in the five years since that time, costs have escalated—the price of cars, gas, insurance, repairs, everything. Surely it would make sense that the mileage should go to 28 cents for the southern members and 30 cents for the northern members.

The Chairman: That is if you want to treat them separately. There is some argument that maybe we should treat them equally, because in fact the gasoline costs in the north are less, I find, than the gasoline costs in the south. That is another matter, but why do we not include that in the report back?

Mr Breaugh: If I could make a suggestion to you as well; I do not understand this. The mileage allowances for the civil servants have already been changed, and somehow manage to get changed on a regular basis. If there is some reason why mileage allowances for members ought to be treated differently from those of everybody else employed by the government of Ontario who gets a mileage allowance, I would be happy to hear that argument. But when I go to the gas station, it seems to me they treat me pretty much like they treat every other customer they have; they do not give me a discount on the gas, they do not put it in any faster and they do not clean the windshield any more either.

I think the members' mileage allowance should be treated exactly the same way as that of every other person who works for the government of Ontario. It should be updated on a regular basis, as it is for everybody else. I am confused, frankly, as to why the Board of Internal Economy thought it was necessary to change the allowances for staff but not to do so for members. When the report comes back, my inclination is to simply treat the members as we do everybody else who works for the government of Ontario and to do it on an annual basis.

Mr Campbell: I do not know; there are some aspects of the civil service allowance that you may not want to apply to members. One is the capping in other areas. I think that perhaps could be addressed in the report, because it would be a concern for me and other northern members who have far distances to drive on a more regular basis than the civil servants. I think there is an argument for not having a capping provision, as the civil servants have.

Mr Breaugh: That is fair.

Mr Campbell: Maybe if that is part of the report—I just wanted to make you aware that there were some difficulties with that.

Mrs Stoner: Two questions. First, to Mr Johnson, where did you come up with the 28 cents and the 30 cents? Second, to the staff, what is the public service mileage allowance?

The Chairman: Mr Deshmukh, can you tell us what the current mileage is for the public service?

Mr Deshmukh: I do not have the figures, but under 4,000 kilometres, it is 29 cents for southern Ontario, I believe, and 29.5 cents for northern Ontario. To answer your question specifically, the board has asked the staff to give it the various options for the members, and the board will be reviewing that when it meets next.

Just a clarification, Mr Breaugh: The civil servants' rates were increased 1 June 1989, after four years.

Mr Breaugh: So the question is, if it was 1 June 1989, and if it was appropriate to change the civil service rates, why was it not appropriate at the same time to change the rates for the members?

The Chairman: The board will have to respond to that. Obviously Mr Deshmukh and Mrs Biggley are not in a position to answer that, since they only carry out the policy; they do not make it.

Mr J. M. Johnson: The Board of Internal Economy has always made the increases, if there are any increases, so I do not know whether there is any change. Second, the two cents' difference—the northern members can speak, if they decide they do not wish it or whatever. It has always been considered that northern travel is more costly than southern for many reasons.

One thing that I do think we should have had some consideration for is that some members are totally committed to the car; others have the opportunity to use either air or car. Some members in the east have the option of flying in; they could run up their allowance on the car mileage and then use air. Other members do not have airports, so they simply have to rely on cars. I think we do have to give consideration that the members in various ridings have different problems, but certainly 28 cents a kilometre today is not unreasonable. If it was 26 cents five years ago, then it must have been too high then. I submit that it was reasonable then and that a two-cent increase is only reasonable now.

Mrs Speakman: I just wanted to clarify what Mr Deshmukh was saying about the instructions of the board. The allowances for staff go forward automatically whenever the civil service rates are changed. Upon consideration of that at the board, the board said: "We also want to review the members'



rates. They should be reviewed at the same time. Please come back with recommendations at the next meeting." The board, I think, is saying just exactly what you were saying.

Mr Breaugh: I cannot be that wrong.

Mr Matrundola: Having set a rate in 1984 of 26 cents, with a five per cent increase per year, this year's rate should be 33.18 and next year's 34.86. Also, take into consideration that we have not taken the increases like 1985 at 27 cents, 1986 at 28.5 cents, 1987 and so forth. It also appears to me that all the other industries and corporations that give mileage allowance, I believe, set them between 35 and 40 cents. We must understand that cars have increased dramatically in cost since 1984 and now, when you go in for services, \$48 and \$50 an hour is not uncommon for work on your car. Also remember they are working on your car on a point system, so in an hour they might be putting in, in a point system, two hours and so forth. Therefore, these things are not going to be also increased every year. We should set a separate percentage which would be in the order of 33 or 34 cents today, with an automatic increase every year.

The Chairman: I think, to save some time here, you can speak privately with Mr Deshmukh if you wish. He is aware of all this and would make recommendations comparable to the private industry out there.

Mr Matrundola: Fine.

The Chairman: He will keep that in mind, I am sure.

Mr Matrundola: Very well.

The Chairman: I do not want to argue now whether it should be 26, 28, 30, 35 or 56 cents. I do not think that is our purpose here. He has some general direction.

Mr Matrundola: I appreciate that. I just wanted to put that in for the record, so at least they are aware of it and they will be able to look at it in a proper manner.

The Chairman: Thank you. Mr Curling?

Mr Curling: No. That is fine.

The Chairman: Does anyone else have anything?

Mr J. M. Johnson: Just one thing: I forgot to suggest that they be retroactive to 1 April.

The Chairman: Yes.

Mr Breaugh: What year?

The Chairman: Thank you very much. I just want to remind members that they have their binders for the Freedom of Information and Protection of Privacy Act discussion tomorrow. We will deal with that starting at 10 o'clock. If we get finished by noon hour, fine; if not, we could go until 4:30 or five o'clock. Please bring your binders with you. Thank you very much. This meeting is adjourned.

The committee adjourned at 1215.



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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

ACCESS TO INFORMATION

THURSDAY 21 SEPTEMBER 1989





STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Campbell, Sterling (Sudbury L)

Breaugh, Michael J. (Oshawa NDP)

Farnan, Michael (Cambridge NDP)

Johnson, Jack (Wellington PC)

Matrundola, Gino (Willowdale L)

McClelland, Carman (Brampton North L)

Morin, Gilles E. (Carleton East L)

Sterling, Norman W. (Carleton PC)

Stoner, Norah (Durham West L)

Sullivan, Barbara (Halton Centre L)

Substitution:

Adams, Peter (Peterborough L) for Mrs Sullivan

Clerk: Deller, Deborah

Staff:

Wilson, Jennifer, Research Officer, Legislative Research Service

Witnesses:

From the Office of the Information and Privacy Commissioner/Ontario:

Linden, Sidney B., Commissioner

Cavoukian, Dr Ann, Director of Compliance

From the Management Board of Cabinet:

McCann, Steve, Manager, Policy and Planning, Freedom of Information and  
Protection of Privacy Branch

From the Ministry of Correctional Services:

Chalke, Jay, Legal Counsel

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Thursday 21 September 1989

The committee met at 1021 in room 228.

ACCESS TO INFORMATION

The Chairman: I call this meeting of the standing committee on the Legislative Assembly to order. While we are waiting for another member to show up—he will be here very shortly—Debbie Deller would like to indicate where these various sheets are supposed to go in your binder.

Mr Campbell: I can hardly wait.

The Chairman: This is important.

Clerk of the Committee: You have in front of you two confidentiality provisions from two different acts. One is the Surveyors Act, which is one page, and one is the Railways Act, which is four pages. The Surveyors Act goes behind the confidentiality provisions tab, tab N, in your binder. It should be the last page in that tab.

The four pages of the Railways Act go under tab T, at the back as well.

The Chairman: Mr Linden, you will appreciate the fact that one of the best-kept secrets at Queen's Park in the last 30 or 40 years has been the Railways Act.

Mr Breaugh: But our crack staff got it. It took them only two weeks to find it.

The Chairman: Meanwhile, thank you very much for being here this morning, ladies and gentlemen. After the steering committee had a chance to look at the confidentiality provisions, freedom of information and so forth last week, we have had a report submitted and we have that before us today. From the ministry we have Steve McCann and some of his staff, and he can introduce those people; and we have Sidney Linden, who is the Information and Privacy Commissioner, and he has staff with him. If he wants to call on them during the morning, he can introduce them at that time.

I think we should start with the report the steering committee has prepared and is ready to present to the whole committee. Does anybody have any comment with regard to that report? It encompasses all the various acts that are within the jurisdiction of Queen's Park and has various recommendations with regard to those? If we look at page 1 of the summary of recommendations of the subcommittee report, I can go through all those provisions, and maybe I should. That may be the best way to go. Does anybody have any thoughts on that?

Mr Breaugh: Mr Linden, I take it you have had a chance to look at the Management Board of Cabinet draft. Have you had a chance to have a little explanation as to what the subcommittee is proposing here?

Mr Linden: I have seen the Management Board recommendations and, yes, I have seen the summary of recommendations of the subcommittee.

Mr. Breaugh: Do you have any difficulty with either of those two? Does either way pose a particular problem for you?

Mr. Linden: As a general statement, I suppose our view was that the Freedom of Information and Protection of Privacy Act was a perfect act in the way it was written in that it created a number of balances that were very carefully crafted. Without trying to be funny about it, the information and privacy act, as it was drafted, was carefully drafted and the balances that it struck were obviously carefully thought out. It is kind of a unique act, and the effort is made to strike these balances between access and privacy. In the first year and a half or so of experience under the act, we have been wrestling with just trying to understand those balances and trying to carve them out.

Quite frankly, we have not given a great deal of thought to the question of confidentiality clauses, although we knew this review would occur. Whenever we did think about it, and it came up in a number of our appeals, generally speaking, our view was that if there were no confidentiality clause, the act, as it is written, would have enabled us to resolve the dispute.

I do not think we had any situations—I was going to say it was a rare one, but I do not think we had any situations during the course of the year where we did not feel that the balances created in the act itself did not provide us with the necessary framework that we needed to resolve the dispute that was before us.

Having said that, I reviewed Management Board's proposal to you. I thought it was a good proposal. I thought it was a sincere effort to recognize the two fundamental principles of the act: on the one hand, access, and on the other, privacy. Wherever there was a suggestion that a confidentiality clause be retained or an amendment made to our act to allow for something, the rationale behind it seemed to make sense to me, that it was a carrying forward of the balancing principle that is contained in the overall act. It was a clarification and a carrying forward of it. It was not a contradiction of the main purposes of the act.

That was the view I had when I saw Management Board's submission, although we could have lived without any confidentiality clause. But the suggestions they made seemed to me to be reasonable ones. That is about all I can say.

Looking at the summary of the recommendations that the subcommittee has prepared, we have no difficulty with this, for the most part. I do not have a statement to make on it. I do not have any prepared position on it. I know you have had considerable discussion about some of these things, and I was hoping I could be available here to participate in a discussion or to answer specific questions rather than to sort of make a general statement.

Mr. Breaugh: In preparing the report, we had asked that it kind of be laid out, because we generally took the rule of thumb that if any member of the subcommittee wanted to separate out a portion of the recommendations for purposes of debate and having a vote on it, we would do that. So some of what is laid out here, for example, in the first four recommendations does not really reflect the big argument in the subcommittee, but essentially someone flagged a group of laws that he wanted to have further debate about and a vote on.



Perhaps the best way to do it would be to simply proceed through the recommendations, some of which will go fairly quickly and some of which will simply give members the opportunity to state their arguments. Can we do it that way?

The Chairman: Yes, we will go through each of them.

On page 1, "That the committee consider whether the exemptions to the Freedom of Information and Protection of Privacy Act, 1987 proposed by Management Board of Cabinet for the categories of labour mediators, trade union membership and tax records are necessary."

Mr Breaugh: Of all the things that were discussed when we went through the individual acts, for example, I have a little difficulty with the tax records stuff, but it is our tradition in Canada that this remains confidential.

As a practical thing, the matters contained in the laws affecting labour mediators and trade union membership are probably not widely understood, but I would put forward the argument that I do not think a labour mediator could do his or her job if there were not some provision for confidentiality. I do not think the whole process of establishing whether you will or will not have a trade union in a workplace would ever get done in a civilized way unless there were some confidentiality provisions there. I accept that those are areas where those provisions are required, perhaps not from a theoretical but from a pragmatic, practical point of view.

I would tend to concur with what you said initially. I saw the original act as being the balancing between confidentiality and the right of the public to know, but of the cases that were made, I think these are probably the strongest cases for continuing the confidentiality provisions.

Mr Sterling: The first recommendation really deals with amending the act in a fairly substantial way in that it provides significant comfort for businesses and really almost opts out the Ministry of Revenue from the act.

The second one, dealing with trade union membership, I believe was put in there by Management Board as a sop to the whole labour relations group. They got together and said, "We want to be out of this act," and this is the way.

I was called to a meeting, for instance, I think almost two years ago, where I met with some pretty high-powered people from both sides, along with Mr Philip from the NDP and Mr Elston who was then, I think, Chairman of the Management Board. They were asking that their whole process be opted out. That never happened because basically there are a number of other quasi-judicial processes which are subject to the act, but it was hard to distinguish one process from another process. I think this is basically their answer to getting around opting out the whole Ontario Labour Relations Board and what goes on under it.

My one question about the amendment which was proposed by Management Board in terms of trade union membership—what section was it they were adding it to?

Mr McCann: We are proposing an amendment to subsection 21(3).

Mr Sterling: To subsection 21(3), which would add some strength to

trade union membership. I guess I have two concerns about that. First, would the present act prevent someone from obtaining that information during an Ontario Labour Relations Board case? Have you had anybody try to attack it?

Mr McCann: I do not think there are any examples of somebody having made a request for union membership information during a certification proceeding. You can certainly argue, on the basis of the legislation as it stands today, that that is personal information and you cannot disclose it to anyone other than the person whose information it is.

The difficulty the Ministry of Labour has pointed out is that if you go back to the 1950s, there was a series of cases in which employers were able to get access to that information through the courts, through discovery and the principles of natural justice and so on, during the certification proceeding. This was very disruptive, it was felt at the time, to the proper conduct of certification proceedings. So the Labour Relations Act was amended to say, "Hands off trade union membership."

There is a provision in section 21 that says you can have access if it is for the purpose of exerting a right or a claim. It is at least conceivable that a natural justice argument would be made by an employer under the Freedom of Information and Protection of Privacy Act, such as, "I need this to know my position vis-à-vis my employees." So you get into very delicate balancing. I think what the labour relations people are saying and our minister supports is that this is not a situation where we want to do this by the means of a balancing exercise. The Legislature has had a clear policy for some time that during that very sensitive certification proceeding, nobody gets access to union membership records.

They do not stay with the Ontario Labour Relations Board, incidentally, very long. They keep them for three months or something and then send them back to the bargaining agent.

I think you could make the arguments for exemption and they might well be effective under the Freedom of Information and Protection of Privacy Act, but this is one we feel should be taken out of that, because of its special characteristics, in order to leave no doubt about it, I guess.

Last week Mr Breaugh referred to the "comfort level" factor as being significant here, and I think, in a way, that is what this is all about; the people involved in that process will be much more comfortable if they have that assurance of confidentiality.

Mr Sterling: My concern is that I do not think we should be amending the freedom of information act to provide comfort levels where there has not been a showing that there is a real danger. The same argument was made to me, I do not know how many times, by various groups within government: "We want comfort, we want comfort, we want comfort. We want to be opted out of this legislation. We're special, we're different," and it went on and on. I do not think, quite frankly, that the act should be amended on the basis of those arguments. If there is a real challenge and a real problem, then we should make those special cases.

The argument I put forward during the subcommittee was that I was not certain that trade union membership should be private for ever and a day if it were in the hands of the governments. I do not understand the process that well. The example I was thinking of was this: If I were a member of a trade union and wanted to run for office, I assume it is something like running for

the nomination of a political party in that constituency. You have to have the lists of the members so that you can try to influence them to support you when it comes to an election.

Mr McCann: If I could just butt in for a minute, Mr Sterling: We actually took up that question with the Ministry of Labour a little bit. They are not saying that there is no way of finding out whether somebody is a member of a union or not. Obviously, there are lots of ways of finding that out. What they are concerned about is the certification proceeding, which is usually the most sensitive part of a labour relations exercise in a business—you have head-to-head confrontation sometimes between management and employees—and that if the government or the labour relations board are seen as providing to the employer information about who wants to be in the union and who does not, then they will be perceived as helping out the employer, and there is a quite legitimate fear that reprisals will be taken and so on in the workplace.

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At least we can say that the Legislature did think that was an important problem 20 or 30 years ago, because they amended the Labour Relations Act to say, "No, that's not going to happen." That replies to this process of certification and decertification, which takes place over some number of months. There may be all sorts of other ways in which people's union membership becomes known, but not from the labour relations board and not in a certification proceeding.

I think that is the point the labour relations board wants to emphasize, that it does not want to be seen as somehow favouring one party or another in that process. That is why they want this hands off the membership. Obviously there are lots of cases where union membership lists will be published and people will use them for the purpose of running for office or whatever.

Mr Breaugh: I think we should be clear, too, that, for example, the labour relations board does not have membership lists of trade unions.

Mr McCann: That is true.

Mr Breaugh: What they have are cards indicating people's desire to join a union or to decertify a bargaining unit. To put it as plainly as I can, if I am an employer and I do not want a union in my shop and I can get a list of everybody who signed a union card and it constitutes 55 per cent or whatever of my employees, I do not have to have a rocket scientist at hand to know how to get that list down to 45 per cent. I simply go out and fire 10 people on the shop floor and the union is decertified.

What we are talking about is for a critical period of time here, whether that is the certification of a bargaining unit or—not that this would ever happen—on the off chance that someone might want to decertify a bargaining unit. If I wanted to keep that unit in place, I would be able to think of ways and means of making sure I effected that process too. It is in the critical period when votes are taking place; that is the only time I know of when the labour relations board will have information about who belongs to a trade union. I do not know how you would go through that process unless you allowed some measure of confidentiality to the labour relations board, which will make the decision.

Mr Sterling: My argument, of course, is that confidentiality is



there now, that the Freedom of Information and Protection of Privacy Act probably provides for the continuing part and that an argument could or could not be put towards that. We could go through this same argument dealing with a lot of other kinds of personal information. What I am saying is that this is a sop to one particular group which has got to the Chairman of Management Board, which they have persisted in pressing.

I guess that is the principle of my opposition to this amendment. I just do not think we should be saying to every group that presses its case, lobbies the minister, etc, where there is no demonstrated problem, there has not been a problem—

Third, the whole idea of freedom of information is to provide the public with information when it is needed. I do not know whether at some point in time outside the certification process it might be in the public interest that union membership be published. I do not know if there is some kind of public interest about that, but that is the whole idea of the act, to restrict the secrecy of information so there can be a judgement made some time in the future that information become public.

The Chairman: Thank you very much, Mr Sterling and Mr Breaugh. We have both sides presented, and what we should have now, unless there are further questions of Mr McCann or Mr Linden, is a motion from someone with regard to this section.

Mr Campbell: I would move that the committee consider the exemptions proposed by Management Board for those categories.

The Chairman: All you have to do is move that—

Mr Campbell: That recommendation 1 be adopted by the committee.

Mr Breaugh: I think we should do it a little different way than that, because the recommendation is to "consider." Maybe you should try for a decision.

Mr Campbell: I am using "consider" in the form of "consider" that we accept them. If you change the word "consider" to "accept" that would be clear. I was using the word "consider" in a slightly different form, perhaps, but not "consider" in the form you are looking at. I realize the difference.

The Chairman: So what you are saying is, "The committee recommends that the exemptions to the Freedom of Information...."

Mr Campbell: Are necessary. So moved.

The Chairman: All those in favour? Opposed? That is carried.

Motion agreed to.

The Chairman: Item 2: The subcommittee recommends "that the committee consider whether it has the mandate to recommend amendments to the Freedom of Information and Protection of Privacy Act, 1987."

Does anybody have any particular views on whether we have that latitude?

Mr McCann: It is unfortunate that our minister is not here this morning, because I think he could speak to some of these issues. I guess his

view was that what he wanted to do and agreed to do with the committee some months ago was to put a report in front of the committee, which we did, the report on confidentiality provisions. His preferred method of proceeding at that time, as you know, was to make some recommendations for amendments to the Freedom of Information and Protection of Privacy Act.

I think what he was looking for from the committee was reaction to this report. He certainly wants that. I guess there may be another process going on, which is the committee's own sense of its responsibilities under section 67 of the act. But at least from Mr Elston's point of view, he is proposing to bring some sort of amending bill into the Legislature at the appropriate moment, and he would like the committee's reaction to that. From his point of view, I guess he would not want to get too hung up on precise mandate.

The Chairman: What you are saying in essence is that you feel the minister feels that we do have that latitude, to recommend amendments to it.

Mr McCann: Yes, and he would certainly like to get the committee's views on that before he introduces the bill, in order to smooth the path in the Legislature later on, I guess is what I am saying.

Mr Sterling: This was put into the report, because it emanated out of the previous discussion we had regarding the two amendments to section 17 and section 21, in that our real mandate was to look at the confidentiality provisions of some hundred-odd statutes and make a decision out of that. What seems to have happened is that there are two groups that got to the minister. Those are the Ministry of Labour, because of pressure it had, and the Ministry of Revenue. What they have done is amend the act, and basically therefore the process we went through is not really within the strict confines of the act.

I do not know whether it is really relevant whether we deal with them or do not deal with them. They have been put before us, and as a practical matter I would just reiterate the objections I made under the other motion we had. I would suggest that we just move on to recommendation 3. I have no intention of putting a motion here, nor would I think anybody else would have an intention of putting a motion once we have finished discussing it.

Mr Breaugh: Let's just strike that.

The Chairman: What you are saying, Mr Sterling, is that irrespective of whether we adopt it or do not adopt it, it does not preclude us from dealing thoroughly with the rest of the report.

Mr Sterling: I guess what I am saying is that in spite of the legislation or the strict reading of the section of the legislation that we had, I think the minister was acting in good faith in putting these two sections in front of us, because I think that is what he will do when he introduces the bill.

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The process has turned a little bit away from what was anticipated by the committee and the Legislature when we drew up the Freedom of Information and Protection of Privacy Act. We are going to make some comments with regard to that when we deal with the other section, where we are suggesting that some of the confidentiality sections be repealed. That was the original intent of the committee I sat on when this legislation was drafted, that some of the sections be repealed.

We now find that we have a suggestion by the Chairman of Management Board that not only do we keep all of the old sections, but that we also change the act to change the process. Other than recognizing it, I do not see that there is much sense to carry on with it.

The Chairman: Okay. Thank you very much. The chair will entertain a motion then to strike this section from the report. Mr Campbell moves it.

All those in favour? Opposed?

Motion agreed to.

The Chairman: Item 3: "That the committee consider whether subsection 57(1) of the Assessment Act should continue to override the Freedom of Information and Protection of Privacy Act, 1987 after 1 January 1990 as proposed by Management Board of Cabinet."

Mr Campbell: Since we have pretty well dealt with most of the issues in the first motion, I think it would be in order—while it was separated out, it is basically the same issues that were dealt with in the tax situation. I would move therefore that the committee adopt section 3.

The Chairman: It has been moved. Discussion?

Mr Sterling: What is the motion that you are putting?

The Chairman: That item 3 be approved.

Mr Sterling: "That the committee consider whether subsection 57(1) of the Assessment Act"—

Mr Campbell: Because it is the same basic issue.

The Chairman: All right. Is there any further discussion? If not, there is a motion.

All those in favour? Opposed?

Motion agreed to.

The Chairman: Item 4: "That the committee consider providing an override to the Freedom of Information and Protection of Privacy Act, 1987 for the Health Insurance Act, 1983, section 44—"

We will deal with these individually. Any comments on that?

Mr Sterling: I will offer the motion that the committee recommend that there be an override to the Freedom of Information and Protection of Privacy Act for the Health Insurance Act, the Health Protection and Promotion Act and the Ontario Drug Benefit Act.

The Chairman: Those sections as provided in the report, okay?

Mr Sterling: Yes.

The Chairman: Thank you, Mr Sterling. Discussion?

Mr Sterling: If I could speak to that, under the freedom of



information act, if there is not an override put into these particular sections with regard to health information, the ultimate controller of health information would be the commissioner. During the legislative debate on the freedom of information act, our party objected to a general override when dealing with personal information.

We continue to hold that position. Notwithstanding that, the Legislature at the time chose to give the freedom of information commissioner the power to release health information about you and me, on 1 January 1990, if a public interest test could be put to him that it was in the greater interest of the public to get that information than it was to hold it from you.

I objected to the public interest override with regard to that kind of information. These three acts basically protect health information about you and me and about our constituents, and at the present time the commissioner does not have that power because these three acts, as they are now, live until the end of this year.

On 1 January 1990, it is within the realm of possibility, albeit minutely possible, that someone could make the argument, for instance, that information about who in fact had AIDS—could put forward the argument to the commissioner, by perhaps obtaining some of this information which might reveal whether or not a person was inflicted with AIDS, "We want that particular information about all the AIDS carriers in Ontario."

My concern is that we made the choice back when we put forward this legislation to give the commissioner, the single man or woman, the right to make that decision. In dealing with this very sensitive information, we should not give him that right. If in fact we decide at some time in the future that we want all of the carriers of AIDS, or any other disease or whatever it might be which could be contained in this information under these three acts, then the Legislature itself should make that choice.

Mr Adams: On a point of information related to that, on page 6, where AIDS is referred to, I realize AIDS is a very current example and a particularly sensitive one, but as it reads there, it says "ie, AIDS information." Does that mean "eg, AIDS information," so that "ie" is wrong? I think it is a totally different sense because that actually says "that is, AIDS information," and it is not. It is "for example, AIDS," so that we understand what we are talking about.

Mr Sterling: Yes. It is not even actually proof that this information—

Mr Adams: No, I understand, but I think it should be corrected in the body of the report. That is all.

Mr Sterling: This report, with deference to our staff, was not written with precision because we were going to go over this report.

Mr Adams: My point would be that we are simply targeting the thing on AIDS information, and we are not. That is all.

Mr Sterling: That is right. We are talking about all kinds of health information that might be obtained under those three acts.

Mr Adams: So it is "eg." Okay? Thank you.

The Chairman: Mr Campbell.

Mr Campbell: I think the subcommittee wrestled with this whole argument and there seemed to be a sense of unease. I think that perhaps this motion should be accepted and that at some future point, if we want it to be reviewed, then I think we could look at it again, if that were the case. But I think in this case we were not convinced that this information could not get out.

I must point out, however, that there is the public good in both acts, whether it is the health units act for communicable diseases and outbreaks, for immunization such as diphtheria and some of the other things that are coming back, apparently, or the other. That protection exists for the public as well, and under these various acts there are mechanisms to make sure the public is protected from the epidemic kinds of diseases, other than the one that was specifically mentioned. I think the balance exists, but the subcommittee was very concerned about the privacy of all health-related matters. I think that is why the recommendation was made and would be supported.

1100

Mr Linden: As recently as two or three weeks ago during the committee hearings on Bill 147, which I attended as a witness, the Minister of Health (Mrs Caplan) was there and indicated that it was the intention of the ministry to introduce some kind of omnibus health legislation that would deal in a general way with the confidentiality of health records some time prior to the end of the year. If I am not mistaken, that is what she said. Our agency has been consulted by the ministry for our input into the development of that proposed legislation.

The impression I have from some senior officials of the ministry is that they are not terribly concerned about the fact that on 1 January 1990 the confidentiality provided by these acts will end. What will happen is that until such time as there is an omnibus confidentiality bill passed by the Legislature, it will fall into the general balancing act that I mentioned earlier, as contained in our act and our statute generally. That was the impression I had, that there was not this great concern. Again, we always have to keep in mind that it is not simply an access-to-information act; it is a protection-of-privacy act and all the privacy protection provisions of our act apply.

Before I say any more, Dr Ann Cavoukian, who is the director of compliance in our office, is here. She has a few comments to make on this particular section that I think would be appropriate to make now.

Mr Campbell: I just want to point out that the committee did hear the argument from your staff about the new omnibus bill. The difficulty is that this legislative committee can only deal in the hearing now on what is already in place. While it may be fair in the future to relook at this issue, I think we have to deal with the present situation, and that is why we have come back for this recommendation. But we were aware. Your staff was very good in imparting that information to us.

The Chairman: We will hear the doctor at this time.

Dr Cavoukian: It is our view that the confidentiality clauses listed in recommendation 4 should not override the Freedom of Information and

Protection of Privacy Act, primarily because we do not feel that any greater protection would be afforded through these confidentiality clauses than already exists in our own act on the provisions related to disclosure.

Mr Sterling, while your comments are true, there is the public interest exemption in section 23 of our act. The test in that is a very difficult one to meet. If the commission were to consider releasing such information, it would have to be of compelling public interest in the disclosure of the record where the record clearly outweighed the purpose of the exemption.

I should add that we share your concern related to AIDS-related information. We have been undergoing a very comprehensive review of AIDS-related information in the province with respect to the collection, retention, use and disclosure of such information. We are in the process of developing a policy that will be released quite shortly which addresses the protections afforded to such information, especially under the provisions of our act, and we feel there is considerable protection.

I am directing my comments here to section 38 of the Health Protection and Promotion Act, the confidentiality clause there. I do not think you really get more protection in terms of the disclosure of information because there are also exceptions to the protection afforded by section 38. For example, they are not to disclose information "except where the disclosure is made for the purposes of public health administration." That is one of the exceptions—

Mr Sterling: I do not want to cut you off on that. My concern is not as much with the real protection. I have every confidence, even notwithstanding that it could ever be pushed to that level, that the right decision would be made, particularly with this commissioner and his competence. My concern is that a challenge could be made and that it becomes public knowledge. There are a number of people in this province who might want, for whatever purposes, to stir the pot, to announce to the public that they are going to get this information and they are going to point out to the public that they can make a binding decision to do that.

The reality of what the sections do or do not do is not really relevant to the motion. It is the process that is the problem, and the process gives him unbelievable power as to what he or his successor might do. The problem I would face is that the front page of the Toronto Star says Joe Blow is going after AIDS information under the freedom-of-information act. That would be the headline. What kind of comfort would that be to the people who had AIDS or any other kind of disease and were seeking the confidentiality protection? There would be a hiatus period of some, I do not know—

Dr Cavoukian: I suppose the point one would attempt to emphasize is that this gentleman is also the privacy commissioner. I know that unfortunately our act is associated almost exclusively with freedom of information, and that certainly is not the case. Protection of privacy is just as important. We would attempt to emphasize that he would be an advocate of protecting the individual's rights as much as the freedom-of-information part, and I think it will be just as unlikely that any information will be released through this avenue than it would under the confidentiality clause in the Health Protection and Promotion Act.

Mr Sterling: Maybe. But you see, I deal with reality and I deal with perception in politics, and that is what we are dealing with here in putting this motion forward.



Mr Linden: It is important, Mr Sterling, that you remember that this commissioner does not have sort of unbridled power, that this commissioner is bound by this act. This act introduces incredible checks and balances on access and protection of privacy throughout. There are a number of steps and tests that the commissioner, whoever it is, would have to go through in order to arrive at a fair and balanced decision.

Mr Breaugh: I would take a different point of view from Mr Sterling. I do not see it in that light at all. I do not think a commissioner has very much in the way of powers. I think what we have is a process that has considerable power. The question is, which of the two processes do I choose that will set the conditions under which such information will be let out? The one would be in a court of law where someone would argue that the letter of the law must be followed, and whether this is right or not, technically someone does or does not have a right to that information. I do not think that is the appropriate process. It is not the one I want.

What I want is an adjudication process that decides there must be some compelling reason to invade someone's privacy. The argument will not hinge on the letter of the law; it will hinge on the rightness of the decision. What I would opt for is the process we call the freedom-of-information process, because there are all of the checks and balances and the judgement is made on, is there an overriding public interest that indicates this information should be released? I have great faith in the court system but not on matters such as this. I think that in this instance a good lawyer who is skilled in the law will argue the letter of the law, the point of the law. Does someone have a legal right to get information?

That is what I object to in this process. I think you must make the extra argument that not only do you have a legal right to get information, but there has to be some other reason as well. In an area such as this, these are the ones that begin to bother me—I do not have any hesitation, for example, frankly, in thinking that anybody is ever going to get answers out of the civil service in Ontario in a hurry. It has never been the case. It is unlikely to be the case now. I cannot imagine that they would all lose all of their brains all at once.

Under these three acts, for example, there are a number of agencies that will now begin to collect information who will not be civil servants and they will have that information. Now, I am a little bit concerned that they might feel free to dispense the information on their own or feel free to set the circumstances under which information would be given.

There are lots of examples where, from one side's point of view, it would be an advantage to have statistics, for example, on the numbers of a certain kind of surgery that might be conducted outside of a hospital or even in a hospital in Ontario. There would be an advantage for someone to begin to argue that a certain kind of public health program should take precedence over anything else and here are all the numbers why.

I do not think we can get in the way of that, but what we are going to have to address in the form of this motion this morning is, which of the two processes do we choose? The one I would choose is the one that is laid out under the Freedom of Information and Protection of Privacy Act, rather than each of the other individual acts in a court of law. I would take the other option from Mr Sterling and I would opt for the Freedom of Information and

Protection of Privacy Act route because that whole process addresses the conflict that is there and the legal process does not.

1110

Mr McCann: Can I make just a brief comment on behalf of Management Board? I think you have heard the arguments on both sides so I will not repeat those. There are just really two comments. One is that our minister, in reviewing this and bringing forward the proposals he has brought forward, was very conscious of the fact that he did not want to be seen to be backing off from the Freedom of Information and Protection of Privacy Act. He was very reluctant to propose that provisions override the Freedom of Information and Protection of Privacy Act. As Mr Linden has said, I think that is the basic process that everybody should be following in future with regard to balancing access and privacy issues.

I think on that ground our minister was satisfied after the consultations we did with the Ministry of Health that this type of information is adequately protected in terms of the privacy protection provisions of the Freedom of Information and Protection of Privacy Act. As a kind of footnote to that, I think we have to bear in mind that the Ministry of Health, which is the institution that is covered by the legislation, has much less information about AIDS and who has AIDS than is commonly supposed. In fact, I gather they have very little information that you could trace back to individuals.

There are other people who do—medical officers of health, doctors in private practice and so on—but they are not covered by the legislation. For example, the Health Protection and Promotion Act confidentiality provision is primarily intended to apply to them, to people who are not covered by the Freedom of Information and Protection of Privacy Act but who are in possession of this type of information.

When you balance all that, when you put all that together, I think our minister's view was fairly strong that there was no need to make those health statutes override the freedom-of-information act.

Mr Chalke: Just as a bit of a twist on what Steve said, there are a number of other government ministries that have AIDS-related information. The people who are my clients at the Ministry of Correctional Services have lots of information relating to who has communicable diseases in their prisons and that information we trust to be dealt with under the Freedom of Information and Protection of Privacy Act. It just does not fall into those other confidentiality provisions. It is dealt with under the law of general application. Much of that information that the government holds is subject to the general law already.

Mr Campbell: I guess it is all very well to look at a lot of different options and say, "This is what could be or may be." The municipal freedom-of-information act may cover health units—the proposed legislation, I should say—but we do not have that in front of us. Our concern is the here and now. When all these other acts and all these other things are dealt with, then bring it back to the committee. I think that is fair.

I accept the fact that the ministry did not want to be backing down, but I also say that this is an overriding concern of this committee. Subject to Mr Breaugh's comments, I think there is still perhaps an unease. We want to make

that we are doing the best thing we can and that is why the committee is deliberating this issue.

It may all be very well and I appreciate your points of view, but I think there is a balance there. Until we see it in black and white in all of the new acts and everything, I think a number of the members of the committee are concerned. I think they have expressed them.

That is all I have to say.

Mr Matrundola: I do have a little problem. I am trying to understand this clause about secrecy. "It is believed that the provisions of the Freedom of Information and Protection of Privacy Act, 1987 may not adequately protect the confidentiality of certain health information (eg, AIDS information) and that these confidentiality provisions should therefore remain in effect." We are dealing with this matter anyway. Do I understand that you want to be able to retain that confidential, that nobody under the freedom-of-information act can find out if somebody has AIDS, so that can be concealed?

The Chairman: That is correct.

Mr Matrundola: I have a serious problem with that. What is the problem? What is the reason why the public should not know if somebody has AIDS, for example? What is the problem with that?

The Chairman: I think that particular argument will have to be dealt with at another time. The government feels very strongly that this protection should be awarded those people. That is the position of the government, and I think the government has made its case on a number of occasions, very thoroughly—

Mr Breaugh: Not very well, obviously.

The Chairman: —and very persuasively. I think to go through that whole argument again would be somewhat repetitious. I understand your concerns, but maybe you should speak to some of your colleagues afterwards about that.

Mr Matrundola: The concern I have is that the people feel they should be protected, otherwise a newspaper might say so-and-so has AIDS. The problem is that if you or I or anyone steals or kills, we will end up in the newspaper, being arrested or otherwise. The problem of spreading AIDS is because nobody knows who they are. It is a deadly disease. It is something that is spreading very rapidly. If people were identified, possibly we would stop it. One of the reasons there is no incentive to stop it is because nobody knows. I do have a strong problem with that.

The Chairman: I understand your concern about it. We have a motion on the floor and I think we will deal with the motion. Maybe you will have an opportunity to discuss this with some of your colleagues later on, okay?

The motion by Mr Sterling is to approve item 4, the Health Insurance Act, the Health Protection and Promotion Act and the Ontario Drug Benefit Act, as laid out in the report.

All those in favour? Opposed?

Motion agreed to.



The Chairman: Item 5: "That the committee recommend the acceptance of the remaining overrides to the Freedom of Information and Protection of Privacy Act, 1987 proposed by Management Board of Cabinet in its report on confidentiality provisions."

Mr Campbell: So moved.

The Chairman: There is a motion by Mr Campbell that it be approved. All those in favour? Opposed?

Motion agreed to.

Mr Sterling: Are you going to list those in the final recommendation? How many are there?

Ms Wilson: They are in appendix A, page 8.

The Chairman: "Areas of Adequate Protection of Interests:

"The subcommittee of the standing committee on the Legislative Assembly recommends:

"(1) that the committee recommend the repeal of the following confidentiality provisions:

"the North Pickering Development Corporation Act, section 6;

"the Ontario Land Corporation Act, section 6;

"the Railways Act, subsections 278(3) and (5);

"the Environmental Assessment Act, section 30."

Discussion?

Mr Campbell: It was a bit of a problem not having one of these acts here, and that was the Railways Act. Upon perusing the quill pen and the writing of this, I find that it very strongly affects a number of company-owned railroads that would not have legislation governing them, particularly mining and forestry companies. I think it would be very difficult for the workers and the public to be protected from these kinds of accidents and other safety measures. For some reason I do not understand at this point in time, it does not fall under the federal legislation, and I understand the provincial had to be written because of that.

I would be opposing the repeal of the Railways Act, I guess basically for those reasons. I do not want to interfere with the debate on the other acts, but I just point out that we would be opposed to the Railways Act at this time.

Mr Breaugh: A sterling defence of the railroad barons. I am impressed.

1120

The Chairman: Just a clarification comment, Ms Wilson.

Ms Wilson: Yes, I said to Mr Sterling that the proposed overrides were listed in appendix A. That is not correct. It is on page 5.

The Chairman: Any further questions?

Mrs Stoner: I would like to move that section. I am particularly pleased with the amendment that deals with the North Pickering Development Corporation Act, the Ontario Land Corporation Act and the Environmental Assessment Act. I think, as amended, those are very appropriate and I am pleased to see them.

The Chairman: Do you mean all four?

Mr Campbell: No, three of the four.

The Chairman: Except the Railways Act.

Mr Sterling: May I suggest that Mr Campbell withdraw his original motion and include the three rather than the four? Or did you amend the—

Mr Campbell: It was amended by my colleague. Perhaps it was not in the right spot, but it was amended; I understood her to say "as amended."

Mr Breaugh: Tell us what you are trying to do here.

Mr Campbell: Yes, three out of four. The Railways Act stays and the others—

Mrs Stoner: I am moving that three of the acts—

The Chairman: Just a moment. Unless we decide exactly what we want, we are going to have to have a short recess and then come back.

Mr Breaugh: The question is: Which way are you moving? That is what we want to know.

Mrs Stoner: In support.

Mr Breaugh: You are in support of what?

Mrs Stoner: The motion to repeal the recommendation of "the following confidentiality provisions."

Mr Breaugh: You want to repeal the following confidentiality provisions, for the North Pickering act, the land corporation act and the Environmental Assessment Act. Is that all right? That is what you want to do.

Mrs Stoner: That is right.

Mr Breaugh: Are you sure?

Mrs Stoner: Yes. That is what I did.

Mr Breaugh: Do you have enough votes in your caucus to carry it?

The Chairman: But you do not want to do it with the Railways Act?

Mrs Stoner: That is right.

The Chairman: So you are making an amendment to Mr Campbell's—

Mrs Stoner: He never made a motion; he just commented on the Railways Act.

Mr Campbell: You had a call for comments before the motion. That is why I had made the comments opening.

Mr Breaugh: I think what has happened here is that Mrs Stoner has moved that the committee recommend the repeal of the following confidentiality provisions, the North Pickering Development Corporation Act, section 6; the Ontario Land Corporation Act, section 6, and the Environmental Assessment Act, section 30. That is what I heard her say.

The Chairman: Okay. There is a motion.

Mrs Stoner: Not all members of my caucus are here.

Mr Breaugh: Check to see which way they are voting first.

Mrs Stoner: I am sure they will support my motion, Mike. We all want access to the North Pickering Development Corporation Act.

The Chairman: We have a motion made by Mrs Stoner. All those in favour? Opposed?

Motion agreed to.

Mr McCann: Can I make one comment in relation to the repeal of these provisions? It might be useful at some point—and I think our minister could facilitate this—to have these ministries address the committee, because we have not had a chance to do much consultation with them, especially on the Environmental Assessment Act. I suspect the ministry may want an opportunity at some point to put the case the other way around, that the provision should stay. I do not want to put words in their mouths, because I really do not know.

Mr Breaugh: Why do not you bring in the whole North Pickering Development Corp and grill them?

Mr McCann: I was hoping to avoid that. Perhaps when the legislation is ultimately in the Legislature, some process can be put in place to at least give them a chance to speak their piece about these things, because I feel a little responsible that they really have not had a chance to address the committee directly on those provisions.

The Chairman: Item 2: The subcommittee recommends "that the confidentiality provisions listed in appendix A to this report not continue to override the Freedom of Information and Protection of Privacy Act, 1987 after 1 January 1990." Discussion? Motion?

Mr Breaugh: Do not look at me, I am not carrying this one.

The Chairman: Neither is Norm, but he made a motion.

Mr Campbell: So moved.

The Chairman: All those in favour?

Motion agreed to.



The Chairman: Item 3: "That the committee recommend that the confidentiality provisions listed in appendix A to this report not be repealed since they are necessary and consistent with the Freedom of Information and Protection of Privacy Act, 1987."

Mr Campbell: So moved.

The Chairman: Motion by Mr Campbell.

Discussion? All those in favour? Opposed?

Motion agreed to.

The Chairman: Item 4: "That the committee recommend that each of the confidentiality provisions listed in appendix A to this report be amended to provide that they are subject to the Freedom of Information and Protection of Privacy Act, 1987."

Mr Campbell: So moved.

The Chairman: Discussion?

Mr McCann: I would like to address this one a little. The subcommittee talked about this at some length last week, as you know. I think some arguments were made relating to clarity in statutes other than the Freedom of Information and Protection of Privacy Act, and the necessity for them to be clear on whether they are subject to or not subject to the Freedom of Information and Protection of Privacy Act.

We have sort of talked about this among ourselves and there are a couple of comments to be made about that. I guess the point that was already made last week is that legally that is not really necessary. If we do it clearly in the Freedom of Information and Protection of Privacy Act, it is clear in law. I guess the question then comes down to whether it is clear to the readers of these other pieces of legislation, such as the Business Practices Act, for example; that was one we talked about quite a bit last week. I do not even want to mention the Upholstered and Stuffed Articles Act, although I just did.

First of all, we may be making something of an assumption when we think that people are going to read these acts in order to determine whether they govern the freedom of information act or which way it goes. I think a lot of people will refer directly to the Freedom of Information and Protection of Privacy Act, and that will solve the problem.

The second point is that in making this proposal as set out in the report the minister tabled with the committee, we made certain assumptions about what a confidentiality provision is: specifically that it be something that expressly provides a ministry authority not to disclose information and therefore acts as an additional exemption under the Freedom of Information and Protection of Privacy Act, and that it relates to documents that are in the custody or control of the institution.

So we took what you might say is in one sense a fairly narrow definition of confidentiality provisions. I think we are on pretty good ground, because it harmonized fairly closely with what the commissioner has held in some of his orders, but it is possible that the commissioner or a court some day may come to a different conclusion about confidentiality provisions. The fear there would be that, having said in some acts that these acts are subject to

the freedom of information act but not having said that in other confidentiality provisions that may be found to be confidentiality provisions some day, we could unintentionally be creating more rather than less confusion in the final analysis.

So I would at least recommend that we not proceed this way; that we resolve this issue in the Freedom of Information and Protection of Privacy Act; we undertake some sort of education campaign so that people understand that it is the freedom of information act that governs, that that is where the ball game is, not in some other piece of legislation; but that we not get involved in the exercise of omnibus provisions to other statutes. I think we may end up not making things as clear as we think we might at the outset. Anyway, that would be my position on it.

The Chairman: Mr Campbell?

Mr Campbell: I moved the motion, so—

The Chairman: Okay. All those in favour of the motion? Opposed?

Motion agreed to.

Mr Breaugh: Just pretend you are a lawyer arguing before the Supreme Court and you will not feel bad.

Mr Campbell: Now you know why I did not get to be a judge or a lawyer. You notice, Mr Chairman, I did not mention lawyers in a disparaging tone all during this meeting. I would like to be commended for my reticence.

The Chairman: Not only that: It would be in Hansard and we would send your mother a copy.

Mr Campbell: That is true. She is probably watching somewhere.

The Chairman: She being a lawyer and a former judge, I am not sure if she would disown her son or not.

Mr Campbell: I think she would disown me.

1130

Mr Sterling: There was one other matter which was not included in the report. I should have actually raised it with our researcher or clerk before. There was some discussion about a recommendation going from this committee to the Chairman of Management Board to create in a general way the duties of a civil servant with regard to confidentiality and dealing with matters other than records, because a lot of the argument for maintaining these confidentiality provisions centred on the idea that while the freedom of information act on its own would be fine and dandy to protect a written document, for instance, there is not anything within the freedom of information and privacy act which prevents a civil servant from orally transferring information which he may have heard, etc. That was the basic reason that some of these sections were maintained.

The other reason was that sometimes these sections covered other than civil servants. I think that in the second case, where they are covering other than civil servants or public servants, they should be retained, whatever. But we just heard an argument from Mr McCann about a general provision, where the law should be, etc.

I would like the Chairman of Management Board to try to go back at some of the confidentiality provisions which we have said are not repealed but will stay in the statute. I think that in looking through those he probably—I cannot remember the numbers, but perhaps 30, 40 or 50 per cent of them could be wiped out if in fact there was a general provision.

The second thing in raising that matter is that it seems there is greater protection for privacy in a written document than there is for oral information being transferred. That worries me in that if your argument is that these sections are necessary to tell a civil servant that he must keep certain information private, then surely the argument goes that there is lots of other information which is contained in different acts and under different sections of acts which also should be confidential.

You cannot have it both ways. I think we should therefore, Mr Chairman, add to our recommendation, and I will put the motion forward, that the committee recommend that the Chairman of Management Board consider a general provision in the Public Service Act or other relevant legislation which will clearly outline the duties of—I do not know whether it is public servants or civil servants we talk about.

Mr McCann: I think public servants is probably accurate.

Mr Sterling: Public servants—to maintaining confidentiality of information other than records, something like that.

Mr McCann: Could I comment? I think we talked last week about the Public Service Act oath and we agreed there are some problems with it and it may not be the best way of achieving the goal of creating a duty of confidentiality. The Chairman of Management Board in one of his other hats, having responsibility for the Human Resources Secretariat, is looking at amendments to the Public Service Act. So I think it would be appropriate for the committee to make the recommendation that this be looked at in the context of the Public Service Act. I am not going to prejudge how that may come down in terms of our minister's recommendation, but certainly there is an issue there which ought to be looked at, so I have no problem with that recommendation.

The Chairman: Mr Sterling, do you want to amend that to have the minister look at it in the context of the Public Service Act?

Mr Sterling: Well, I did say that. I said "or other relevant legislation," just in case there was some other act it would be better dealt with under.

Mrs Stoner: Mr Chairman, not all members of the caucus are here. I would ask for a 20-minute recess since there is going to be a vote on that.

Mr Sterling: May I just say that if you read the motion, it is only for the chairman to consider this. It is really not binding him to anything other than flagging that the committee looked at this, but you are entitled to that.

The Chairman: If you want the five-minute recess, I will grant it. It is up to you, Mrs Stoner, or whether you want to support it.

Mrs Stoner: Mr Campbell asked that if there were any votes he be given an opportunity to return to vote.



The Chairman: Okay, this committee meeting will recess for five minutes.

Mr Sterling: Is that long enough? She has up to 20 minutes.

Mrs Stoner: I have up to 20 minutes.

The Chairman: She asked for five minutes.

The committee recessed at 1137.

1148

The Chairman: I call this Legislative Assembly committee meeting back to order. We have a motion by Mr Sterling on the floor.

Mr Sterling: Could you read the motion, please?

Clerk of the Committee: The motion is "that the committee recommend that the Chairman of Management Board consider an amendment to the Public Service Act or other relevant legislation which would clearly outline the duties for civil servants to maintain confidentiality other than as provided for in the Freedom of Information and Protection of Privacy Act."

The Chairman: Okay. Everybody understands it. All those in favour of the motion? Opposed? That is carried.

Motion agreed to.

The Chairman: If there is no further business, I want to thank Mr McCann, Mr Chalke, Mr Linden and Mr—not you?—everybody else.

Mr Breaugh: We do not want to thank John Eichmanis.

The Chairman: Anyway, thank you, John. You were with us last week and, for the benefit of your superior, did an excellent job here.

Thank you, everybody, for the contributions. This will now go as a report from this committee to the Legislative Assembly some time after 10 October.

This meeting will be adjourned until some time in October when the committee reconvenes.

The committee adjourned at 1150.

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